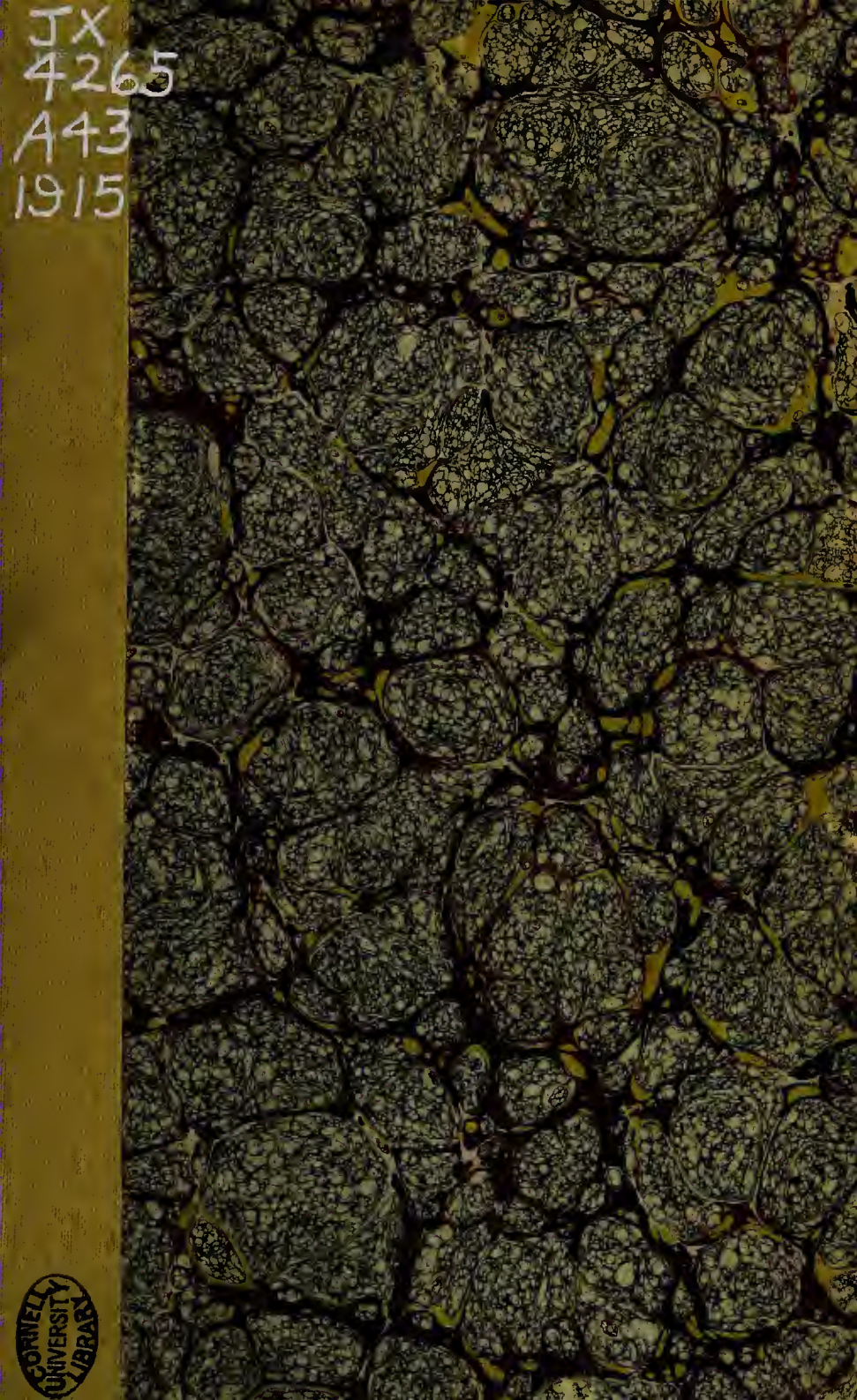

COMPILATION OF CERTAIN DEPARTMENTAL CIRCULARS

RELATING TO

CITIZENSHIP, REGISTRATION OF AMERICAN CITIZENS ISSUANCE OF PASSPORTS, ETC.

WASHINGTON
GOVERNMENT PRINTING OFFICE
1915

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COMPILATION OF CERTAIN DEPARTMENTAL CIRCULARS RELATING TO CITIZENSHIP, ETC.

PASSPORTS FOR PERSONS RESIDING OR SOJOURNING ABROAD.

The Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, March 27, 1899.

GENTLEMEN: * * *

A condition precedent to the granting of a passport is, under the law and the rules prescribed by authority of the law, that the citizenship of the applicant and his domicile in the United States and intention to return to it with the purpose of residing and performing the duties of citizenship shall be satisfactorily established. One who has expatriated himself can not, therefore, receive a passport.

Expatriation has been defined by Mr. Hamilton Fish as "the quitting of one's country, with an abandonment of allegiance and with the view of becoming permanently a resident and citizen of some other country, resulting in the loss of the party's preexisting character of citizenship." Thus, a person "may reside abroad for purposes of health, of education, of amusement, of business, for an indefinite period; he may acquire a commercial or civil domicile there, but if he do so sincerely and bona fide *animo revertendi*, and do nothing inconsistent with his preexisting allegiance, he will not thereby have taken any step towards self-expatriation. But if instead of this he permanently withdraws himself and his property and places both where neither can be made to contribute to the national necessities, acquires a political domicile, and avows his purpose not to return, he has placed himself in the position where his country has the right to presume that he has made his election of expatriation." * * *

But even where expatriation may not be established a person who is permanently resident and domiciled outside of the United States can not receive a passport. "When a person *who has attained his majority* removes to another country and settles himself there he is stamped with the national character of his new domicile; and this is so, notwithstanding he may entertain a floating intention of returning to his original residence or citizenship at some future period, and the presumption of law with respect to residence in a foreign country, especially if it be protracted, is that the party is there *animo manendi*, and it lies upon him to explain it." (Mr. Fish to the President, For. Rels., 1873, 1186, et sequ.) If in making application for a passport he swears that he intends to return to the United States

within a given period and afterwards in applying for a renewal of his passport it appears that he did not fulfill his intention, this circumstance awakens a doubt as to his real purpose, which he must dispel. (For. Rels., 1890, 11.)

The treatment of the individual cases as they arise must depend largely upon attendant circumstances. When an applicant has completely severed his relations with the United States; has neither kindred nor property here; has married and established a home in a foreign land; has engaged in business or professional pursuits wholly in foreign countries; has so shaped his plans as to make it impossible or improbable that they will ever include a domicile in this country—these and similar circumstances should exercise an adverse influence in determining the question whether or not a passport should issue. On the other hand, a favorable conclusion may be influenced by the fact that family and property connections with the United States have been kept up, that reasons of health render travel and return impossible or inexpedient, and that pecuniary exigencies interfere with the desire to return. But the circumstance which is perhaps the most favorable of all is that the applicant is residing abroad in representation and extension of legitimate American enterprises. * * *

I am, etc.,

JOHN HAY.

PASSPORTS—INTENT TO RETURN TO THE UNITED STATES.

The Acting Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, September 26, 1899.

GENTLEMEN: Information having reached the department that some of the diplomatic and consular officers of the United States have refused to issue passports to applicants who were unable or unwilling to state that they intended to return to the United States within two years from the date of their applications, you are instructed that the department does not hold that a passport can not be granted to a person who does not make such a statement. As explained in the department's circular instruction of March 27, 1899, a passport should not be issued to any person who does not intend to return to the United States, or whose expressed intention to return is negatived by circumstances attending his residence abroad; but it is not intended to fix a definite period of time beyond which the protection of a passport is to be refused to a citizen of the United States. A passport is good only for two years[1] from the date of issuance, but a new one may be granted when a new and satisfactory application is made.

I am, etc.,

DAVID J. HILL.

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[1] Under rules becoming effective Feb. 1, 1915, passports are good for six months only.

OLD PASSPORT EVIDENCE PRIMA FACIE THAT CITIZENSHIP WAS ESTABLISHED WHEN IT WAS ISSUED.

The Acting Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, February 8, 1901.

GENTLEMEN: Paragraphs Nos. 153 and 154 of the Instructions to the Diplomatic Officers of the United States and the same numbered paragraphs of the Regulations Prescribed for the Use of the Consular Service of the United States provide that when a person applies to a diplomatic or consular officer for a new passport his old passport may be accepted in lieu of his naturalization certificate, if it was issued at the mission or consulate to which the new application is made, and that such an old passport, if issued by the Department of State, may be so accepted for the same purpose if the application is made before the old passport has expired; that is, within two years of the date of its issuance.

There appearing to be no good reason why an old passport, without regard to the time or place of its issuance, should not be accepted as evidence prima facie that the person it describes properly established his citizenship when the old passport was granted him, and as our citizens who fail to carry with them in their travels the proof of citizenship which they once produced to this department or its agents abroad sometimes experience great inconvenience because they are refused passports under the regulations cited above, it has been deemed desirable to remedy the difficulty by rescinding these regulations and adding to the paragraph which precedes them (No. 152) a clause permitting, in an application for a new passport, the acceptance of the old passport as evidence prima facie that the applicant established his citizenship when he made the application upon which the old passport was granted.

To this end an Executive order was issued on the 31st ultimo, a copy of which is appended. I also enclose copies of a print of the order, which are to be inserted at the proper place in the copies of the Instructions to Diplomatic Officers and the Consular Regulations possessed by your office.

I am, etc.,

DAVID J. HILL.

[Inclosure.]

EXECUTIVE MANSION,
Washington, January 31, 1901.

Paragraphs Nos. 153 and 154 of the Instructions to the Diplomatic Officers of the United States, prescribed January 4, 1897, and paragraphs Nos. 153 and 154 of the Regulations Prescribed for the Use of the Consular Service of the United States, December 31, 1896, are hereby repealed, and it is ordered that paragraph No. 152 of the aforesaid instructions and No. 152 of the aforesaid regulations be so amended as to read:

152. *Expiration of passport.*—A passport expires two years after the date of its issuance and can not be renewed. A new passport may be issued upon a new application in accordance with the provisions of paragraph 151, but an old passport will be accepted as prima facie evidence that the citizenship of the applicant was properly proved when the old passport was granted, and a naturalized citizen need not, therefore, be required to produce the naturalization certificate through which he acquired his citizenship again. The old passport

should be retained and sent to the Department of State with the application in making the report required in paragraph 163. If there is any doubt, however, surrounding the case, the applicant should be required to produce the same evidence that would be required of him if he were making his first application for a passport.

WILLIAM MCKINLEY.

INFORMATION CONCERNING PASSPORTS WHICH HAVE BEEN REFUSED.

The Secretary of State to diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, March 2, 1904.

SIR: In order to prevent a person who has been refused a passport by one diplomatic or consular officer of the United States from obtaining one from another officer who is ignorant of the previous refusal, you will hereafter, whenever you refuse to issue a passport, notify every ---------- in ----------, and any other officer or officers to whom it is likely application may be made, by mailing to each a card containing the name of the person who has been refused the passport, the reasons for the refusal, the applicant's place of birth, the date and place of his naturalization and emigration if he is a naturalized citizen, his place of residence in the United States and abroad, and his occupation. If the applicant claims citizenship through the naturalization of husband or parent, the facts concerning the emigration and naturalization of the husband or parent should be noted. Enclosed is a supply of the cards for this purpose; an additional supply may be obtained, when needed, by requisition on the department. You will also send one of the cards to this department and file one in your office; and all cards thus retained, together with those you may receive from other diplomatic and consular officers announcing refusals to issue passports, should be filed alphabetically, so that they can be readily referred to by you.

When a passport has been withheld from an applicant pending instructions from the department, the action contemplated by this instruction need not be taken until the passport has been definitely refused; but if there is reason to believe that the applicant intends to apply to some other office for a passport such office should be informed that the application is suspended.

I am, etc.,

PASSPORT CARDS.

The Acting Secretary of State to the diplomatic officers of the United States and such consular officers of the United States as have authority to issue passports.

DEPARTMENT OF STATE,
Washington, June 29, 1905.

GENTLEMEN: The cards issued in accordance with the department's circular of March 2, 1904, in cases where passports have been refused

should, when received by a diplomatic officer or consular officer having authority to issue passports, be arranged and retained in alphabetical order, so as to be readily referred to whenever application is made for a passport by one whose right thereto is at all doubtful.

I am, etc.,

HERBERT H. D. PEIRCE.

EXECUTIVE ORDER.

It is hereby ordered that the Instructions to the Diplomatic Officers of the United States and the Regulations Prescribed for the Use of the Consular Service of the United States be amended in the following particulars, the numbers of the paragraphs amended being the same in both the instructions and the regulations.

Paragraph 138 shall read as follows:

Children of citizens born abroad.—All children born out of the limits and jurisdiction of the United States whose fathers were at the time of their birth citizens thereof are citizens of the United States; but the rights of citizenship do not descend to children whose fathers never resided in the United States. All children who are, in accordance with this paragraph, born citizens of the United States and who continue to reside outside of the United States are required, in order to receive the protection of this Government, upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens and, upon reaching their majority, are further required to take the oath of allegiance to the United States. (R. S., sec. 1993; act of Mar. 2, 1907, sec. 6.)

Paragraph 141 shall read as follows:

Wife of citizen.—Any white woman or woman of African nativity or descent or Indian woman married to a citizen of the United States is a citizen thereof; and it is immaterial whether the husband became a citizen before or after marriage. Any woman who acquires American citizenship by marriage shall be assumed to have retained it after the termination of the marital relation by death or absolute divorce if she continues to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens; or, if she resides abroad, she may retain American citizenship by registering as an American citizen before a United States consul within one year after the termination of the marital relation. (R. S., sec. 1994; 25 Stat. L., 392; act of Mar. 2, 1907, sec. 4.)

After paragraph 141 a new paragraph shall be added, as follows:

An American woman who marries a foreigner.—An American woman who marries a foreigner takes the nationality of her husband. At the termination of the marital relation, by edath or absolute divorce, she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States or by returning to reside in the United States; or, if residing in the United States at the termination of the marital relation, by continuing to reside therein. (Act of Mar. 2, 1907, sec. 4.)

Paragraph 142 shall read as follows:

Children of naturalized citizens.—The naturalization or resumption of American citizenship of the parents confers American citizenship upon the minor children, and such citizenship shall begin at the time such minor children begin to reside permanently in the United States. (Act of Mar. 2, 1907, sec. 5.)

Paragraph 143 shall read as follows:

Declaration of intention.—The declaration of intention to become a citizen of the United States does not make one a citizen, and the certificate of a court that such declaration has been made is not evidence of citizenship; but when any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized his widow and minor children may, by complying with the other provisions of the naturalization laws, be admitted to citizenship without making the declaration of intention. (Act of June 29, 1906, sec. 4, par. 6.)

Paragraph 144 shall read as follows:

Expatriation.—An American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign State in conformity with its laws, or when he has taken an oath of allegiance to any foreign State. When any naturalized citizen shall have resided for two years in the foreign State from which he came, or for five years in any other foreign State, it shall be presumed that he has ceased to be an American citizen, and his place of general abode shall be deemed his place of residence during the said years: *Provided*, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe.

An American citizen shall not be allowed to expatriate himself when this country is at war. (Act of Mar. 2,1907, sec. 2.)

After paragraph 144, add the following three paragraphs:

Registration to resume or retain citizenship.—When an American woman has married a foreigner and he dies or they are absolutely divorced, in order to resume her rights as an American citizen, she must register with an American consulate within one year after the termination of the marital relation. Whenever any foreign woman has acquired American citizenship through her marriage, upon the death of her husband or upon their absolute divorce she must, if she is abroad and desires to retain her American citizenship, register as an American citizen before a United States consul within one year after the termination of the marital relation. All minor children born of American parents outside of the United States must, in order to receive the protection of this Government, at the age of eighteen years, record at an American consulate their intention to become residents and remain citizens of the United States. (Act of Mar. 2, 1907, secs. 3, 4, and 6.)

Oath of allegiance.—Every child born without the United States of American parents and resident abroad is required, in order to conserve his American citizenship, to take the oath of allegiance to the United States, before an American consul, upon attaining his majority. (Act of Mar. 2, 1907, sec. 6.)

Duplicates of evidence of citizenship.—Diplomatic and consular officers are required to file with the Department of State duplicates of any evidence, registration, or other acts taken before them in conservation or resumption of citizenship and the right to protection. (Act of Mar. 2, 1907, sec. 7.)

Paragraph 149 shall read as follows:

To whom issued.—No passport shall be granted or issued to or verified for any persons other than citizens of the United States or loyal residents of the insular possessions of the United States by diplomatic or consular officers. In his discretion the Secretary of State may issue passports to those who have made the declaration of intention to become citizens of the United States, but such passports are not permitted to be issued by diplomatic and consular officers. (Sec. 4076, R. S.; act of June 14, 1902; act of Mar. 2, 1907, sec 1.)

Paragraph 150 shall read as follows:

When passports may be issued.—Passports can not be issued by diplomatic or consular officers if the applicant has time to apply to the Department of State and await its reply. Where inconvenience or hardship would result to a person entitled to receive a passport unless he received it at once, a diplomatic officer or a consular officer who shall have received authority to do so from the Secretary of State may issue to such person an emergency passport, good for a period not to exceed six months from the date of issuance, and to be used for a purpose which shall be stated in the passport.

This paragraph shall become effective July 1, 1907.

Paragraph 151 shall read as follows:

Applications.—Persons entitled to receive passports who desire to secure them when they are abroad may make applications therefor to the Department of State through a diplomatic or consular officer. Native citizens thus applying must make an affidavit with respect to birth, take the oath of allegiance, and furnish identification by a creditable person, all in duplicate and according to Form No. 176.[1] Naturalized citizens must comply with the same requirements, using Form No. 177[1]; and, if claiming citizenship through naturalization of husband or parent, using Form No. 178.[1] A naturalized citizen must also exhibit his certificate of naturalization or that of the husband or parent through whom citizenship is claimed, or a duly certified copy of the court record thereof. Further evidence of the applicant's citizenship may be required if deemed necessary. A loyal resident of an insular possession of the United States in addition to the information now required in the case of a citizen of the United States must state that he owes allegiance to the U. S. and does not acknowledge allegiance to any other Government, and must submit an affidavit from at least two credible witnesses having good means of knowledge in substantiation of his statements of birth, residence, and loyalty. The identity of an applicant for a passport should always be established when the application is taken.

This paragraph shall become effective July 1, 1907.

Paragraph 152 shall read as follows:

Expiration of passports.—A passport issued by the department is good for a period of two years[2] when it expires, but it may be re-

[1] Use forms corrected Jan., 1915.

[2] Under regulations effective Feb. 1, 1915, passports are good for period of six months only.

newed for a further period of two years by a diplomatic officer or by a consular officer who has received authority for the purpose from the Secretary of State. It is permissible to renew passports only once.

This paragraph shall become effective July 1, 1907.[1]

Paragraph 153 shall read as follows:

Old passport in lieu of naturalization certificate.—An American citizen who is abroad and who holds a passport which has expired after renewal may apply through a diplomatic officer or a consular officer for a new passport, and the old passport will be accepted as prima facie evidence that the citizenship of the applicant was properly proved when the old passport was granted, and a naturalized citizen need not, therefore, be required to produce again the certificate of naturalization through which he acquired his citizenship. The old passport should be retained and sent to the Department of State with the application. If there is any doubt surrounding the case, however, the applicant should be required to produce the same evidence that would be required of him if he were making his first application for a passport.

Paragraph 154 shall be struck out.

Paragraph 159 shall read as follows:

Fees.—An official fee equivalent to one dollar in the gold coin of the United States must be collected for each passport issued.

Paragraph 160 shall read as follows:

Visa.—A diplomatic officer or a consular officer, including a consular agent, may visa or verify regularly issued passports by endorsing thereon the word "Good" in the language of the country and affixing to the endorsement his official signature and seal. A diplomatic officer should visa a passport only when there is no American consulate established in the city where the mission is situated, or when the consular officer is absent, or the Government of the country refuses to acknowledge the validity of the consular visa. Whenever a passport without signature is presented to be visaed the holder should be required to sign it before it is visaed by a diplomatic or consular officer. An official fee equivalent to one dollar in the gold coin of the United States should be collected for each passport visaed. No visa shall be attached to a passport after its validity has expired.

Paragraph 163 shall read as follows:

Return of passports.—As soon as an emergency passport is issued by a diplomatic or consular officer he shall transmit to the Department of State a duplicate of the application and a statement of the proof accepted by him for the issuance of the passport and of the reason why the issuance of the passport was necessary. Whenever an application for a passport is made to the Department of State through a diplomatic or consular officer he shall transmit a duplicate of the application and of the accompanying proof of the right to receive a passport to the Department of State, but he need not, unless otherwise instructed, transmit a certificate of naturalization.

This paragraph shall become effective July 1, 1907.

Add, as a separate paragraph, after paragraph 169:

When protection should be denied.—Any one who has expatriated himself is not entitled to intervention on the part of any diplomatic or consular officer of the United States. (See par. 144.)

[1] This section has been superseded by passport regulations effective Feb. 1, 1915.

After paragraph 170, add:

Reports of fraudulent naturalization.—When any alien who has secured naturalization of the United States shall proceed abroad within five years after his naturalization and shall take up his permanent residence in any foreign country within five years after the date of his naturalization, it shall be deemed prima facie evidence that he did not intend in good faith to become a citizen of the United States when he applied for naturalization, and in the absence of countervailing evidence it shall be sufficient in the proper proceedings to authorize the cancelation of his certificate of citizenship as fraudulent. Diplomatic and consular officers shall furnish the Department of State, to be transmitted to the Department of Justice, the names of those within their jurisdictions, respectively, who are subject to the provisions of this requirement, and such statements from diplomatic and consular officers shall be certified to by such officers under their official seal, and are under the law admissible in evidence in all courts to cancel certificates of naturalization. (Act of June 29, 1906, sec. 15.)

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 6th, 1907.*

EXECUTIVE ORDER.

It is hereby ordered that paragraph 172 of the Regulations Prescribed for the Use of the Consular Service of the United States be so amended as to read as follows:

Registration of American citizens.—Principal consular officers should keep at their offices a register of all American citizens residing in their several districts, and will therefore make it known that such a register is kept and invite all resident Americans to cause their names to be entered therein. The same general principles govern applications for registry which govern applications for passports. (Par. 151.)

The register should show the date of registration, the full name of the person registered, the date and place of his birth, the place of his last domicile in the United States, the date of his arrival in the foreign country where he is residing and his place of residence therein, the reasons for his foreign residence, whether or not he is married and if married the name of his wife, her place of birth and residence, and if he has children the name, date, and place of birth and residence of each. The nature of the proof accepted to establish his citizenship should also appear, and his signature should be inscribed in the register.

Consuls may issue certificates of the registration prescribed above for use with the authorities of the place where the person registered is residing. Each certificate shall set forth the facts contained in the register and shall be good for use for one year only and shall be in a form prescribed by the Secretary of State (Form No. 210). When a certificate expires a new one may be issued, the old one being destroyed, if it is clearly shown that the residence abroad has not assumed a permanent character. Persons who hold passports which have not expired shall not be furnished with certificates

of registration, and it is strictly forbidden to furnish them to be used for traveling in the place of passports. Returns of all registrations made and of all certificates of registration issued shall be made to the embassy or legation in the country in which the consulate is situated and to the Secretary of State at intervals and under regulations to be prescribed by him. No fee will be charged for registration nor for any service connected therewith, nor for certificates of registration.

This paragraph shall go into effect July 1, 1907.

THEODORE ROOSEVELT.

The WHITE HOUSE, *April 8, 1907.*

CHILDREN OF CITIZENS BORN ABROAD.

The Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, April 19, 1907.

GENTLEMEN: Paragraph 138 of the Instructions to Diplomatic Officers and of the Consular Regulations, as amended by the Executive order of April 6, 1907, reads as follows:

"138. *Children of citizens born abroad.*" [See p. 7.]

Appended is the text of section 1993 of the Revised Statutes[1] and of section 6 of the act of March 2, 1907.[2]

You are instructed that children born abroad whose parents were American citizens at the time of their birth should report to a convenient American consul upon reaching the age of eighteen years and before they have reached the age of nineteen years and make a solemn declaration in the following form:

I, A. B., born in _____ on _____ of parents who were at the time of my birth American citizens, do solemnly declare that it is my intention and desire to remain a citizen of the United States and to become a resident thereof. My father acquired citizenship through birth (or naturalization) _____ (if by birth state where the father was born; if by naturalization state when and where he was naturalized, as shown by record evidence of such naturalization).

This statement should be made in triplicate, one copy being sent forthwith to the embassy or legation in the country in which the consulate is situated, one to the department, and one to be retained and filed in the consulate.

Upon reaching the age of twenty-one years and before they have reached the age of twenty-two years, such children are required to take, before a convenient consul, the following oath (or affirmation):

I, A. B., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion: So help me God.

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[1] See page 60.

[2] See page 61.

This oath or affirmation should be made in triplicate, one copy being sent forthwith to the embassy or legation in the country in which the consulate is situated, one to the department, and one to be retained and filed in the consulate.

Diplomatic and consular officers are instructed to make every effort necessary to bring the requirements of the law to which this instruction relates to the attention of those whom it will affect.

I am, etc.,

ELIHU ROOT.

EXPATRIATION.

The Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, April 19, 1907.

GENTLEMEN: Paragraph 144 of the Diplomatic Instructions and Consular Regulations, as amended by Executive order of April 6, 1907, reads as follows:

"144. *Expatriation.*" [See p. 8.]

The text of the law is appended for your information.[1]

Whenever it comes to the knowledge of a diplomatic or consular officer that an American citizen has secured naturalization in a foreign state in conformity with its laws, or has taken an oath of allegiance to a foreign state, such diplomatic or consular officer should certify to the facts under his seal and should transmit the certification to this department. If the citizen who has thus acquired foreign naturalization was a naturalized citizen of the United States, the fact should be stated in the certification and the certificate of American naturalization should, if possible, be taken up and forwarded to the department with the certification. The form of the certification shall be as follows:

I, A. B. (name and rank of certifying officer), hereby certify that C. B., a citizen of the United States by birth (or naturalization), has secured naturalization as a citizen of _____, the proof of such naturalization being as follows:

(If he was a citizen of the United States by naturalization a statement of the date and place of his naturalization in the United States should follow.)

In testimony whereof I have hereunto signed my name and affixed my seal of office.

[L. S.] _____

When a naturalized citizen of the United States has resided for two years in the country of his origin, or for five years in any other country, this fact creates a presumption that he has ceased to be an American citizen, but the presumption may be overcome by his presenting to a diplomatic or consular officer proof establishing the following facts:

(*a*) That his residence abroad is solely as a representative of American trade and commerce, and that he intends eventually to return to the United States permanently to reside; or,

[1] Act of Mar. 2, 1907, see p. 60.

(*b*) That his residence abroad is in good faith for reasons of health or for education, and that he intends eventually to return to the United States to reside; or,

(*c*) That some unforeseen and controlling exigency beyond his power to foresee has prevented his carrying out a bona fide intention to return to the United States within the time limited by law, and that it is his intention to return and reside in the United States immediately upon the removal of the preventing cause.

The evidence required to overcome the presumption must be of the specific facts and circumstances which bring the alleged citizen under one of the foregoing heads, and mere assertions, even under oath, that any of the enumerated reasons exist will not be accepted as sufficient.

Whenever evidence shall be produced to overcome the presumption of expatriation from residence abroad, as indicated in this instruction, the affidavit or affidavits must be made in duplicate, one copy thereof being sent forthwith to this department, and if the affidavits or other evidence have been presented to a consular officer he shall notify the embassy or legation in the country in which he is resident of the name of the person and of the facts concerning his residence abroad.

So much of this instruction as relates to residence abroad is not applicable to natural-born citizens of the United States. Their status, so far as their right to the protection of this Government is concerned, is governed by existing instructions of this department, and especially by so much of the circular instruction of March 27, 1899, as applies to them, which is appended to this instruction for your information.[1]

I am, etc.,

ELIHU ROOT.

ISSUANCE OF PASSPORTS.

The Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, April 19, 1907.

GENTLEMEN: Paragraphs 150, 151, 152, and 163 of the Diplomatic Instructions and Consular Regulations, as amended by the Executive order of April 6, 1907, reads as follows:

"150. *When passports may be issued.*" [See p. 9.]

"151. *Applications.*" [See p. 9.]

"152. *Expiration of passports.*" [See p. 9.]

"163. *Return of passports.*" [See p. 10.]

Consuls at the following places shall have the right to issue emergency passports:

Adis Ababa, Abyssinia.
Barbados.
Calcutta.
Colombo, Ceylon.
Curacao, W. I.
Dakar, Senegal.
Nassau, N. P.
St. Michaels, Azores.
Seoul, Korea.
Singapore.
Tahiti.
Tamatave.

[1] See p. 3.

[Added since issuance of this circular.]

Beirut.
Belgrade.
Bombay.
Budapest.
Cape Town.
Harbin.
Hongkong.
Rangoon.
Shanghai.
Smyrna.
Sydney, Australia.

A consul in a country where there is diplomatic representation of the United States may issue emergency passports during the temporary absence of the diplomatic representative.

Emergency passports may be issued only when it is clearly shown that the person applying for the passport is about to proceed to a country to obtain admission into which a passport is obligatory. They may be issued for use with the local authorities only in case such authorities will not accept as evidence of a right to recognition as an American citizen the certificate of registration provided for in paragraph 172 of the Consular Regulations as prescribed in the Executive order of April 8, 1907. Emergency passports shall be in the form now used for regular passports, except that there shall be inserted therein the following statement:

Emergency passport.—This passport is issued to _____, in order that he may proceed to _____.

(If the passport is issued for other purposes than travel, the fact should be stated.)

Diplomatic officers and all consular officers may take applications for the issuance of passports to American citizens by this department, following the rules now in force on the subject of the issuance of passports, and shall forward each application to the department with the evidence of the right to secure the passport. In the case of an application by a naturalized citizen who presents his certificate of naturalization, this document need not be forwarded to this department, being the property of the applicant; but the application should set forth the name of the court in which the applicant was naturalized and the date and place of such naturalization.

Diplomatic and principal consular officers are authorized to extend for a period of two years passports issued by this department which are about to expire and presented to them for extension. Such extension should be made by marking conspicuously across the passport the following words:

Extended under the authority of the Secretary of State for two years, and not valid after _____.
(Date of expiration.)

this being signed and dated by the diplomatic or consular officer and the seal affixed. A passport which has been thus extended is not valid after the date to which it was extended. A passport which has expired can not be extended, and no passport can be extended more than once. Emergency passports can not be extended.

Immediately upon thus extending a passport the diplomatic or consular officer should notify the department of the name of the holder of the passport, its number and date, and the reason why the extension was asked.

I am, etc.,

ELIHU ROOT.

REGISTRATION OF WOMEN WHO DESIRE TO RESUME OR RETAIN AMERICAN CITIZENSHIP.

The Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, April 19, 1907.

GENTLEMEN: The Executive order of April 6, 1907, prescribes the following diplomatic instructions and consular regulation:[1]

The last sentence of this paragraph, relating to registration of minor children, is the subject of the instruction of April 19, 1907, entitled "Children of citizens born abroad" and is not dealt with here.

The text of the law is appended for your information.[2]

A woman who was an American before her marriage to a foreigner and who upon the termination of the marital relation by the death of her husband or by their absolute divorce desires to resume the American citizenship which she enjoyed before her marriage must, within one year after the termination of the marital relation, register with an American consular officer her intention to resume her American citizenship. The form of such registration shall be as follows:

I, _____ (Name of affiant.), do solemnly swear (or affirm) that I was born on _____ (Date of birth.), in _____ (Place of birth.), and was, up to the time of my marriage on _____ (Date of marriage.), to _____ (Name of late husband.), a citizen of the United States; that the said _____ (Name of husband.) was born in _____ (Place of his birth.) and was, at the time of his death (or divorce), a citizen (or subject) of _____ (Name of country.); that the said _____ (Name of late husband.) died (or we were divorced) on _____ (Date of death or divorce.), at _____ (Place of death or divorce.); that I am now temporarily resident in _____ (Place of residence.), and desire to resume my American citizenship; that it is my intention to return to the United States within _____ (Limit of intended foreign residence.) with the intention of residing and performing the duties of an American citizen.

Subscribed and sworn to before me this ____ day of _____

[L. S.] _____,
American Consul.

I, _____ (Name of consul.), American consul at _____ (Place of consulate.), certify that _____ (Name of affiant.), who signed the above affidavit, is the person she represents herself to be and that the proof presented of her marriage to _____ (Name of late husband.) and of the termination of her marital relation with _____ (Name of late husband.) is as follows:

_____
(State here nature of proof presented.)

In testimony whereof I have hereunto signed my name and affixed my seal of office.

_____
American Consul.

Documentary evidence in support of the allegations relative to the termination of the marital relation should be required in each

[1] Supra, p. 7. [2] Act of Mar. 2, 1907, secs. 3 and 4. See p. 61.

case, and the nature of such documentary proof should be set forth in the consul's certificate. In the case of a woman having been a native citizen of the United States before her marriage, documentary proof of such citizenship need not be required unless the consul entertains doubts as to the statements made to him, in which case he should require a certificate of birth or the affidavit of a creditable witness personally known to him.

In the case of a woman having been a naturalized citizen of the United States previous to her marriage, proof of the naturalization, such as would be required if she applied for a passport, should be required. The affidavit and the consul's certificate should be made in duplicate, and one copy should be sent to this department immediately afterwards and the embassy or legation in the country in which the consulate is situated should be at the same time advised of the making of the affidavit and of the report to the department.

A foreign woman who has acquired American citizenship by marriage to an American citizen and who, upon the termination of the marital relation by the death of her husband or by their absolute divorce, desires to retain the American citizenship which she acquired through her marriage, must, within one year after the termination of the marital relation, register with an American consular officer her intention to retain her American citizenship.

The form of such registration shall be as follows:

I, _____, do solemnly swear (or affirm) that I was born on
(Name of affiant.)
_____, in _____, and was, up to the time of my
(Date of birth.) (Place of birth.)
marriage on _____, to _____, a citizen (or subject) of _____; that the said _____ was
(Date of marriage.) (Name of late husband.) (Name of country.) (Name of late husband.)
born in _____, and was, at the time of his death (or our
(Place of birth.)
divorce), a citizen of the United States by _____; that the said
(Birth or naturalization.)
_____ died (or we were divorced) on _____, at
(Name of husband.) (Date of death or divorce.)
_____; that I am now temporarily residing in _____
(Place of death or divorce.) (Place of residence.)
and desire to retain my American citizenship; that it is my intention to go to the United States within _____, with the
(Length of intended foreign residence.)
intention of residing and performing the duties of an American citizen.

_____

Sworn and subscribed to before me this ____ day of _____

_____

American Consul.

The consul's certificate to this affidavit should be the same as in the case of an American woman married to a foreigner who desires to resume her American citizenship, and documentary evidence of the allegations relative to the termination of the marital relation should be required as in the case of an American woman married to a foreigner who desires to resume her American citizenship. Also documentary proof of the husband's citizenship should be required. The affidavit and the consul's certificate should be made in duplicate and reported as in the case of an American woman who desires to resume her citizenship.

I am, etc.,

ELIHU ROOT.

REPORTS OF FRAUDULENT NATURALIZATION.

The Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, April 19, 1907.

GENTLEMEN: Under the provisions of the Executive order of April 6, 1907, the following paragraph is added to the Diplomatic Instructions and Consular Regulations after paragraph 170:

"*Reports of fraudulent naturalization.*" [See p. 11.]

The text of the law upon which this paragraph is based is appended to this instruction.

You are instructed, accordingly, that whenever a naturalized citizen goes abroad and takes up a permanent residence in a foreign country within five years after his naturalization, it may be assumed that his naturalization was not obtained in good faith, and upon certification by a diplomatic or consular officer of the fact of the foreign residence proceedings may be taken through the Department of Justice to set aside the naturalization on the ground that it was obtained in contravention of the naturalization laws.

Diplomatic and consular officers making such certification must, therefore, state—

First. That the person is a permanent resident of a foreign countrty; and

Second. That the permanent residence was taken up within five years after naturalization was conferred, and must certify not only to the facts but to their means of knowledge.

No specified form of certification is prescribed, as the circumstances surrounding each case vary materially. It is not necessary that the residence shall have been acquired during the incumbency of the certifying officer, but he may, if he is in possession of sufficient evidence, certify to a residence which was acquired prior to his having had opportunity to have personal knowledge on the subject.

Certifications under this instruction should be sent forthwith to this department, together with the certificate of naturalization of the person in interest; and, pending instructions from the department, such person's citizenship shall be considered as awaiting adjudication and he may be refused a passport or registration as a citizen of the United States. In the event of actual interposition being required in his behalf with the authorities of a foreign country, the facts should, if possible, be telegraphed to the department and its instructions awaited, and the foreign authorities should be requested to suspend any proceedings against the person in interest until instructions from this Government shall have been received.

When a certification under this instruction is made by a consul he should, at the same time that he sends the certification to this department, notify the embassy or legation in the country in which his consulate is situated.

I am, etc.,

ELIHU ROOT.

[Inclosure.]

Text of the law.—Section 15, act of June 29, 1906, reads as follows:

* * * * * * *

If any alien who shall have secured a certificate under the provisions of this act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancelation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

* * * * * * *

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this act, but to all certificates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceedings under prior laws.

* * * * * * *

REGISTRATION OF AMERICAN CITIZENS.[1]

The Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, April 19, 1907.

GENTLEMEN: Paragraph 172 of the Consular Regulations, as amended by the Executive order of April 8, 1907, reads as follows:[2]

Books for registration are being prepared and will be furnished to consuls as soon as possible. In the meantime, after July 1, consuls will register American citizens, following carefully the requirements of the paragraph quoted above, and will carefully preserve the registrations and enter them in the register of American citizens as soon as the books for that purpose shall have been received.

The certificate of registration shall be in the following form:

I, _____ (Name of consul.), consul of the United States of America at _____ (Name of place.), hereby certify that _____ (Name of person registered.) is registered as an American citizen in this consulate. He was born _____ (Date of birth.) at _____ (Place of birth.), and is a citizen of the United States by (birth or naturalization). He arrived in _____ (Place of foreign residence.), on _____ (Date.), where he is now residing for the purpose of _____ (Reason why residing.). He is married to _____ (Name of wife.), who was born in _____ (Place of birth of wife.), and resides at _____ (Place of wife's residence.). He has the following children: _____ (Name of child.), born in _____ (Place of birth.) on _____ (Date of birth.), and residing at

[1] See also pp. 21, 28.

[2] Supra, p. 11.

_____; and _____, born in _____
(Place of residence.) (Name of child.) (Place of birth.)
on _____, and resiIding at _____; and _____,
(Date of birth.) (Place of residence.) (Name of child.)
born in _____ on _____, and residing at
(Place of birth.) (Date of birth.)
_____; _____
(Place of residence.)
His citizenship of the United States is established by _____
_____
(Nature of proof of citizenship produced.)
This certificate is not a passport and its validity expires on _____.
(Date of expiration.)
The following is the signature of _____.
(Person registered.)
In testimony whereof I have hereunto signed my name and affixed the seal of this consulate.
[L. S.] _____,
American Consul.

Immediately upon the registration of an American citizen the fact of such registration should be certified to the embassy or legation in the country in which the consulate is situated, and a duplicate of the registration should be forthwith sent to this department, together with a statement whether a certificate of registration has been issued.

When a cerificate of registration shall have expired and a new one has been issued, notice of this fact should be sent immediately to the embassy or legation in the country in which the consulate is situated, and to this department.

American citizens resident abroad are required to register each year, and any additional facts concerning residence, marriage, and children should be noted in the register, but the full registration having been made once need not be repeated on each subsequent registration.

The department expects consuls to observe this requirement with great care, and if they are uncertain concerning any of their duties in relation thereto they should ask for instructions from the department.

I am, etc., ELIHU ROOT.

CITIZENSHIP.

The Third Assistant Secretary of State to the American consular officers.

DEPARTMENT OF STATE,
Washington, May 4, 1907.

GENTLEMEN: I inclose herewith two Executive orders dated April 6 and 8, 1907,[1] amending paragraphs 138, 141, 142, 143, 144, 149, 150, 151, 152, 153, 154, 159, 163, 170, and 172 of the Consular Regulations.

Notes of these changes should be made in the proper places in the copies of the regulations in your office, and for this purpose small slips are also inclosed which may be pasted in the regulations.

Six circular instructions explaining the amendments referred to are also inclosed.[2]

I am, etc., HUNTINGTON WILSON.

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[1] Supra, pp. 7, 11. [2] Circulars of Apr. 19, 1907, supra.

FEE FOR EXTENDING PASSPORT.

The Secretary of State to the American diplomatic and consular officers.

DEPARTMENT OF STATE,
Washington, November 30, 1907.

GENTLEMEN: The tariff of American consular fees of November 1, 1907, is amended by the following Executive order of October 14, 1907:

Fee No. 8 of the tariff of American consular fees which took effect November 1, 1906, is hereby amended to read as follows:
"Fee No. 8: Issuing a passport (Form No. 9) or extending a passport, $1.00."

Diplomatic officers will collect the same fee for the service.

In this connection I have to call your attention to the fact that under the tariff of fees at present in force the fee for filling out an application for a passport and administering the oath is $1.00 and is not divisible as heretofore, when officers were permitted to charge but 50 cents for the service if the applicant filled out the blank himself.

I am, etc.,

ELIHU ROOT.

REGISTRATION OF AMERICAN CITIZENS.

The Secretary of State to the American consular officers.

DEPARTMENT OF STATE.
Washington, November 30, 1907.

GENTLEMEN: In making registrations as required by the circular instruction of April 19, 1907,[1] entitled "Registration of American Citizens," consuls must apply to each application the rules laid down in the circular of the same date, entitled "Expatriation."

No naturalized citizen should be registered if he has resided for two years in the country of his origin or for five years in some other foreign country unless he produces satisfactory evidence to overcome the presumption that he has ceased to be an American citizen. Such evidence must be directed to the points indicated as (*a*), (*b*), and (*c*) in the expatriation circular, and the affidavit or affidavits must be in duplicate, one copy being sent to the department with the duplicate certificate of registration (Form 210).

No one should be refused registration until he has been afforded full opportunity to submit evidence to overcome the presumption of expatriation.

A number of consuls have made no returns of registrations and some have reported very few. The department expects all consuls to use their best endeavors to secure the registration of all American residents in their districts. The registration of travellers or brief sojourners is not contemplated by the department's orders under ordinary circumstances.

I am, etc.,
For the Secretary of State:

W. J. CARR, *Chief Clerk.*

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[1] Supra, p. 19.

EXPATRIATION AND PROTECTION OF AMERICANS IN TURKISH DOMINIONS.

The Secretary of State to the diplomatic and consular officers of the United States in Turkish dominions.

DEPARTMENT OF STATE,
Washington, December 11, 1907.

GENTLEMEN: Section 2 of the act of March 2, 1907, and paragraph 144 of the Diplomatic Instructions and Consular Regulations as amended by the Executive order of April 6, 1907, relative to expatriation and the protection of Americans abroad, are applicable to American citizens who reside in Turkish dominions.

Therefore, a naturalized American citizen formerly a Turkish subject who returns to Turkish dominions and there resides for a period of two years will be presumed to have ceased to be an American citizen, and a naturalized American citizen not formerly a Turkish subject who resides in Turkish dominions for five years will be presumed to have ceased to be an American citizen.

The presumption may be overcome in either case by his presenting to a diplomatic or consular officer of the United States proof establishing the following facts:

(*a*) That his residence in Turkey is solely as a representative of American trade and commerce and that he intends eventually to return to the United States to reside; or

(*b*) That some unforeseen and controlling exigency beyond his power to foresee has prevented his carrying out a *bona fide* intention to return to the United States within the time limited by law, and that it is his intention to return and reside permanently in the United States immediately upon the removal of the preventing cause; or

(*c*) That he resides in a distinctively American community recognized as such by the Turkish Government; or

(*d*) That he resides in Turkish dominions as a regularly appointed missionary of a recognized American church organization.

The evidence required to overcome the presumption of expatriation must be of the specific facts and circumstances which bring the alleged citizen under one of the foregoing heads, and mere assertion, even under oath, of any of the enumerated reasons existent will not be accepted as sufficient.

Whenever evidence shall be produced to overcome the presumption of expatriation as indicated in this instruction, the deposition and other proof must be made in duplicate, one copy thereof being sent forthwith to this department, and if the proofs have been presented to a consular officer, he shall notify the embassy at Constantinople of the name of the person and the facts concerning his residence abroad.

This instruction, in so far as it relates to the presumption of expatriation from residence in Turkey, supersedes the corresponding parts of the department's circular instruction of April 19, 1907, entitled "Expatriation."

I am, etc.,

ELIHU ROOT.

FEES FOR PASSPORTS.

The Secretary of State to the American diplomatic and consular officers.

DEPARTMENT OF STATE,
Washington, December 12, 1907.

GENTLEMEN: I have to call your attention to the fact that applications for passports sent to the department should be accompanied in every case by the fee of one dollar required to be charged for the passport.[1]

Fees collected for the issuance of emergency passports by those officers who have authority to issue such passports, also fees for extending passports and for making application for passports, or for visa, should, as usual, be included in your regular account.

I am, etc.,

ELIHU ROOT.

APPLICATIONS FOR REGISTRATION.

The Secretary of State to the American consular officers.

DEPARTMENT OF STATE,
Washington, March 2, 1908.

GENTLEMEN: Referring to the department's circular instruction of April 19, 1907, regarding the registration of American citizens,[2] I have to say that as applications for registration are nearly always made in person to a consul, it is not necessary in ordinary cases that they should be in the form of an affidavit. If the consul is convinced of the truth of the statements of an applicant who is entitled to registration, he may be registered without making a sworn statement; or, if the consul deems it desirable, he may be verbally sworn to the facts set forth in the certificate of registration; but whenever an applicant against whom the presumption of expatriation lies submits evidence to overcome the presumption, this evidence must be in the form of an affidavit or affidavits, made in duplicate. For the convenience of consuls a form of affidavit for this purpose has been prepared to be used in these cases, and I enclose herewith a copy.[3] Whether or not the affidavit to overcome the presumption of expatriation shall be supported by corroborative evidence, must depend upon the consul's judgment applied to each case. When the consul has reason to believe the truth of the applicant's affidavit setting forth specific facts and circumstances which are sufficient to overcome the presumption of expatriation, corroborative evidence need not be required, but the consul should state that the facts alleged in the affidavit are true according to his information and belief. When the consul can not make this statement, he should require evidence to corroborate the applicant's affidavit, and he should report whether the affidavit and the corroborative evidence are satisfactory

[1] Superceded by instruction of July 7, 1908.
[2] See p. 19.
[3] Forms printed herewith were corrected in Apr., 1915. These forms should also be used in connection with *passport applications* when necessary.

proof to him that the applicant has overcome the presumption of expatriation.

I am, etc.,
For the Secretary of State:

W. J. CARR,
Chief Clerk.

[Inclosure 1.]

[Form No. 225—Consular. April, 1915.]

AFFIDAVIT TO EXPLAIN PROTRACTED FOREIGN RESIDENCE.

FOR USE OF NATIVE CITIZENS.[1]

[American citizens who have resided abroad for many years are required, when making applications for passports, to furnish affidavits stating the cause of their protracted foreign residence; their present ties of family, property, or business with the United States; how often they have made visits to the United States; whether they pay the American income tax, and whether they entertain any definite intention of returning to the United States permanently to reside.]

I, _____, a native-born and loyal citizen of the United States, do solemnly swear that I last left my domicile in the United States at _____ _____, on or about the _____ day of _____, 1____; that I arrived in _____, where I am now (temporarily) residing, on the_____ day of _____, 1____, my reasons for such residence being as follows:

_____

Since establishing a residence abroad I have made the following visits to the United States_____

_____

I have never been naturalized, taken an oath of allegiance, or voted as a foreign citizen or subject, or in any way held myself out as such.

I maintain the following ties of family, business, {and / or} property with the United States: _____

_____

I {do / do not} pay the American income tax at: [2]_____

I intend to return to the United States permanently to reside within _____ {months / years} or when_____

I last registered at the American consulate at _____ on _____.
(Date.)

_____
(Signature of applicant.)

AMERICAN _____ AT _____
Sworn to before me this _____ day of _____, 191

_____
(Name.

[SEAL.]

_____
(Title.)

The facts recited in the foregoing affidavit are true to the best of my information and belief, and are satisfactory evidence to overcome any presumption that the affiant is not entitled to a passport or registration as an American citizen.

_____
(Signature of officer administering oath.)

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[1] This includes persons born abroad of native or naturalized citizens of the United States, as well as persons born in the United States.
[2] Applicant should state whether or not he is subject to this tax.

[Inclosure 2.]

[Form No. 213—Consular. Corrected, April, 1915.]

AFFIDAVIT TO OVERCOME PRESUMPTION OF EXPATRIATION.

FOR USE OF NATURALIZED CITIZENS.

[A naturalized citizen may overcome the presumption of expatriation by presenting satisfactory evidence establishing the following facts: (*a*) That his residence abroad is solely as a representative of American trade and commerce, and that he intends eventually to return to the United States permanently to reside; or, (*b*) that his residence abroad is in good faith for reasons of health or for education, and that he intends eventually to return to the United States to reside; or, (*c*) that some unforeseen and controlling exigency beyond his power to foresee has prevented his carrying out a bona fide intention to return to the United States within the time limited by law, and that it is his intention to return and reside in the United States immediately upon the removal of the prevailing cause; or, (*d*) that he has made definite arrangements to return immediately to the United States for permanent residence.]

I, _____, a naturalized and loyal citizen of the United States, do solemnly swear that I last left my domicile in the United States at _____ on or about the _____ day of _____ 1 ____; that I have since resided temporarily at _____, and that I arrived in _____, where I am now temporarily residing, on the _____ day of _____, 1____, my reasons for such residence being as follows:

_____

Since establishing a residence abroad I have made the following visits to the United States: _____

_____

I have not since my naturalization as an American citizen been naturalized, taken an oath of allegiance or voted as a foreign citizen or subject, or in any way held myself out as such.

I maintain the following ties of family, business, {and / or} property with the United States: _____

_____

I {do not / do} pay the American income tax at:[1] _____

I intend to return to the United States permanently to reside within _____ {months / years} or when _____

I last registered in the American consulate at _____ on _____, 1____.
(Date.)

_____
(Signature of applicant.)

Subscribed and sworn to before me at _____ this _____ day of _____, 1 ____.

[SEAL.] _____
American _____

The facts recited in the foregoing affidavit are true to the best of my information and belief, and are satisfactory evidence to overcome the presumption that the affiant has ceased to be an American citizen.

_____
American _____

[1] Applicant should state whether or not he is subject to this tax.

NO FEES FOR REGISTRATION.[1]

The Acting Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, March 25, 1908.

GENTLEMEN: The administering of oaths and making certificates thereof prescribed by the circulars of April 19, 1907, entitled "Registration of Women who desire to Resume or Retain American Citizenship," "Children of Citizens Born Abroad," and "Expatriation," is a service directly or indirectly connected with registration; and no fee should be charged therefor.

The words "fee $2.00" appearing on Form No. 211a should accordingly be stricken out and the words "no fee" substituted therefor.

I am, etc.,

ROBERT BACON.

EXPATRIATION AND PROTECTION OF AMERICANS IN CHINA.

The Secretary of State to the diplomatic and consular officers of the United States in China.

DEPARTMENT OF STATE,
Washington, May 13, 1908.

GENTLEMEN: Section 2 of the act of March 2, 1907, and paragraph 144 of the Diplomatic Instructions and Consular Regulations, as amended by the Executive order of April 6, 1907, relative to expatriation and protection of Americans abroad, are applicable to American citizens who reside in China.

Therefore, a person of Chinese birth and race who, through former acquisition of Hawaiian citizenship during Hawaiian independence, became a naturalized citizen of the United States on the annexation of Hawaii, and who returns to China and there resides for a period of two years, will be presumed to have ceased to be an American citizen; and any other naturalized citizen not being of Chinese birth and race who resides in China for five years will likewise be presumed to have ceased to be an American citizen.

The presumption may be overcome in either case by his presenting to a diplomatic or consular officer of the United States proof establishing the following facts:

(*a*) That his residence in China is solely or principally as a representative of American trade and commerce and that he intends eventually to return to the United States to reside; or

(*b*) That some unforeseen and controlling exigency beyond his power to foresee has prevented his carrying out a bona fide intention of returning to the United States within the time limited by the law, and that it is his intention to return to reside permanently in the United States immediately upon the removal of the preventing cause; or

(*c*) That he is regularly employed in an enterprise having for its object the development or advancement of the people and in no wise inconsistent with American interests, and that he intends eventually to return to the United States to reside; or

---

[1] See also p. 27.

(*d*) That he resides in China in the employ of the Chinese Government in a capacity not inconsistent with his American citizenship and calculated to advance legitimate American interests, commercial or otherwise, and that he intends eventually to return to the United States to reside; or

(*e*) That he resides in China as the regularly appointed missionary of a recognized American church organization.

The evidence required to overcome the presumption of expatriation must be of the specific facts and circumstances which bring the alleged citizen under one of the foregoing heads, and mere assertions, even under oath, of any of the enumerated reasons existing will not be accepted as sufficient.

Whenever evidence shall be produced to overcome the presumption of expatriation as indicated in this instruction, the deposition and other proofs must be made in duplicate, one copy thereof being sent forthwith to this department, and if the proofs have been presented to a consul he shall notify the legation at Peking of the name of the person and of the facts concerning his residence abroad.

This instruction, in so far as it relates to the presumption of expatriation from residence in China, supersedes the corresponding parts of the department's circular instruction of April 19, 1907, entitled "Expatriation."

I am, etc.,

ELIHU ROOT.

AMENDMENTS TO RULE (A) TO OVERCOME THE PRESUMPTION OF EXPATRIATION.

The Secretary of State to the American diplomatic and consular officers.

DEPARTMENT OF STATE,
Washington, May 14, 1908.

GENTLEMEN: You are hereby instructed that rule (*a*), relative to the facts to be established to overcome the presumption of expatriation, prescribed in the circular instruction of April 19, 1907, entitled "Expatriation," and the circular instruction of December 11, 1907, entitled "Expatriation and Protection of Americans in Turkish Dominions," is hereby amended so as to read:

(*a*) That his residence abroad is solely or principally as a representative of American trade and commerce, and that he intends eventually to return to the United States to reside.

I am, etc., ELIHU ROOT.

NO FEES FOR REGISTRATION.

The Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, May 27, 1908.

GENTLEMEN: I have to inform you that the department intended to state in the last paragraph of the circular of March 25, 1908,[1] that

[1] See p. 26.

the words "no fee" were to be substituted for the words "fee $2.00," both on Forms No. 211 and No. 211a.

I am, etc., ELIHU ROOT.

REGISTRATION OF AMERICAN CITIZENS.

The Acting Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, June 21, 1909.

GENTLEMEN: Referring to the circular instruction of April 19, 1907,[1] in regard to the registration of American citizens, you are hereby instructed to insert in both the register and the certificate of registration, the local address of the person registering and the name and address of the nearest relative in America with whom it would be necessary to communicate in the event of any serious accident to or death of the person registered.

I am, etc., HUNTINGTON WILSON.

PASSPORT FEES.

The Acting Secretary of State to the American diplomatic and consular officers.

DEPARTMENT OF STATE,
Washington, July 7, 1908.

GENTLEMEN: Referring to the department's circular instructions of November 30[2] and December 12, 1907,[3] in regard to passport fees, I now have to inform you that in view of the difficulty experienced in securing abroad American currency to be forwarded to the department in payment of the fees, it has been decided that hereafter the fee of one dollar, which under the act of March 23, 1888, is required to be collected for every passport issued by this department, shall be collected by the diplomatic or consular officer and accounted for in the same manner as other official fees.

Therefore, you are instructed that, when you take an application for a passport, you should collect the two fees, one dollar for administering the oath and preparing the passport application, and one dollar for the passport itself, and instead of forwarding the latter direct to the department you should include both these fees in your regular accounts. (Sec. 1728, R. S.; pars. 567, 568, Consular Regulations.)

On the application which is sent to the department a statement should be made that these two fees, amounting to two dollars, have been collected, and in the case of a consular officer making the collection a two-dollar fee stamp should be attached to the application.

Whenever the department determines that an applicant is not entitled to a passport, and refuses to issue one to him, notice of such refusal will be sent to the officer who took the application, who will thereupon refund the fee to the applicant, taking therefor a receipt in duplicate. The officer will charge the total amount of such fees

[1] Supra, p. 19. [2] See p. 21. [3] See p. 23.

returned during a quarter in his salary and fee account, attaching the original receipts thereto in support of the charge and filing the duplicate receipts in his office.

When the applicant has left the country or district before the notice of refusal of a passport has been received, he should at once be notified and advised of his right to have the fee returned, and the receipts in duplicate should be sent to him for signature, and upon their return, properly signed, the fee should be refunded.

I am, etc.,

ROBERT BACON.

PASSPORT FEES.

The Secretary of State to the American consular officers.

DEPARTMENT OF STATE,
Washington, January 15, 1909.

GENTLEMEN: Referring to the department's circular instruction of July 7, 1908, in regard to the collection of passport fees, I now have to inform you that when an application for a passport is taken by a consular agent he should collect the two fees, one dollar for administering the oath and preparing the passport application and one dollar for the passport itself, and include the former in his regular accounts, affixing a one-dollar stamp to the application. The latter fee should be forwarded to the principal office, together with the application, and should be included in the regular accounts of such principal office.

Section 8 of the act for the reorganization of the Consular Service, approved April 5, 1906, provides that consular agents may retain one-half of the fees received by them up to a maximum sum of one thousand dollars in any one year. This, however, applies only to fees which they collect for services they perform, and inasmuch as the regular passport fee is not collected for a service performed by the agent, but for one which the department performs, this fee should not be included in the consular agent's accounts, and the agent is not entitled to retain one-half of it. The one dollar collected for taking the application is, however, collected for a service rendered by the consular agent, and he is therefore entitled to retain one-half of this fee.

I am, etc.,

For the Secretary of State:

W. J. CARR,
Chief Clerk.

LETTERS OF INTRODUCTION.

The Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, February 14, 1910.

GENTLEMEN: In the course of its routine business the department not infrequently issues, at the instance of Members of Congress or

other gentlemen well known to it, letters introducing to the diplomatic and consular officers persons going abroad in the interest of private American enterprises. These letters are general in character and call for no service by the diplomatic and consular officers other than they are required under standing instructions to give to all American citizens, whether possessed of one of these letters or not.

It is not intended by such letters to give the department's specific indorsement to the enterprises in the furtherance of which the bearers go abroad or that diplomatic and consular officers should regard themselves as instructed to give active support to the projects.

This is especially true when rival American interests may clash in the same channels. It is the expectation of the department that all reputable American promoters should have equal opportunity to advance their respective interests, and that no one shall be accorded by its diplomatic and consular representatives preference over American competition.

Diplomatic and consular officers will understand, and will act accordingly, that when it is the desire of the department that they should aid officially or personally in the promotion of any particular undertaking on the part of the citizens of the United States separate instructions specifically authorizing and directing them to do so will be issued by the department.

Should circumstances so suggest, the instructions of the department may be sought.

I am, etc., P. C. KNOX.

EXTRATERRITORIAL FACTORIES OF AMERICAN CITIZENS.

The Secretary of State to the American diplomatic and consular officers.

DEPARTMENT OF STATE,
Washington, March 24, 1910.

GENTLEMEN: The support and assistance of the department and the diplomatic and consular officers of the United States are invoked from time to time by American citizens who have established, or contemplate establishing, in foreign countries manufacturing plants with American capital and sometimes at the outset with American labor. The increasing frequency of these appeals makes it desirable that some general principles be laid down for your guidance in such cases.

In the first place, every extraterritorial factory benefits foreign rather than American labor and economic conditions generally through the indirect effects of a profitable business employing numbers of men, whose earnings in turn are invested in the foreign countries. This phase of the matter, however, does not take into account the more serious question as to whether or not the output of the extraterritorial factory will compete in the country where it is established and perhaps in neighboring countries with the output of similar factories located in the United States.

In the general circular instruction to consular officers, entitled "Commercial and Industrial Information (Third Circular)," dated

April 30, 1906, the department explained its decision in cases of this kind as follows:

An American citizen who proposes to establish in an important city in Germany a manufactory of shoe findings, with American capital and operated by American citizens, for the purpose of engaging in a general exporting business, sent out circular letters to American consular officers throughout the world, requesting them to furnish him with certain trade information of value in the promotion of his enterprise. This matter having been brought to the attention of the department, it decided that the venture is essentially German, as much so as if the person had chartered a company under German law, inasmuch as his operations, besides depleting the productive power of the United States by taking skilled labor out of it, would inevitably involve competition in foreign markets with the export interests of American citizens whose products are manufactured in this country, and he has been informed that the department must decline to authorize the proposed use of the machinery of the Consular Service.

It must be borne in mind, however, that the question of expatriation in business enterprises is distinct from that of the citizenship of the individual, who may or may not, according to the circumstances in each case, retain unimpaired his right to protection by the consular officer in the particular district where he resides and carries on business.

More recently several instances have arisen in connection with the establishment in the Dominion of Canada of branch factories of American manufacturing enterprises, or the complete transfer to Canadian territory of such enterprises previously existing in the United States. The preferential features of the Canadian tariff applicable to British products offer material temptation to American manufacturers in some lines who now compete in Canada with British-made goods to transfer at least a part of their manufacturing capacity to Canadian soil. In these cases the department has decided that when they move all or a part of their plants from the United States to Canada they are no longer entitled to the assistance of the Government of the United States so far as their foreign factories are concerned, for they then become competitors in that market with their compatriots in the United States.

In connection with this industrial movement across the frontier certain American consuls in Canada have received numerous requests from American manufacturers to aid them in the selection of suitable sites for Canadian branches. An American consul in Canada having submitted to the department a proposed reply to such an applicant in which the consul set forth the advantages of his district and volunteered to submit any proposition which the firm might desire to make to the local board of trade of which the consul was a member, the department instructed him as follows:

Your proposal to the company substantially amounts to the offer to act as a trade agent for the Dominion of Canada. You are informed that you have sufficiently complied with your official duties in supplying the general information requested by the manufacturing firm in question and the department does not deem it expedient for you to expand your consular functions by acting either as a representative of the ——— Board of Trade or for a private firm.

This case is entirely different from the matter of securing concessions where public utilities are to be supplied by American capital and equipped with the fruits of American industry, or where mines are to be opened up by American enterprise, all of which may properly call for such aid as the American consular officers can give.

While the concrete cases above mentioned presented no complications which made decision difficult, the department recognizes that there are circumstances which may justify the extension of the

assistance of this Government to an extraterritorial factory either established or projected by American citizens who make use of American capital.

For example, where an established manufacturing enterprise in the United States which exports its products to foreign countries may find it expedient to meet competitive conditions in a certain foreign market by establishing a branch therein for the purpose of preempting the field and stopping competition, and thus preserving and fostering the main export business for the benefit of which the branch has thus been established, there would seem to be justification for the extension of the good offices and assistance of the foreign service of the United States to the enterprise as a legitimate American investment in a foreign country which will not interfere with the development of the export trade of the United States. This case must, of course, be clearly distinguished from a case where a foreign branch is a serious undertaking maintained to build up a trade which would compete with the genuine American export trade, and might even result in making the branch in the foreign country a base for distributing foreign-made goods to third countries in competition with American exports. In cases of this kind the department must regard the enterprise as essentially foreign from the point of view of international competition, and, therefore, the activities of the diplomatic and consular officers in behalf of the American citizens who are concerned in the establishment of such extraterritorial factories should be limited to matters of courtesy and the supplying of general information only.

The department desires that when questions of this kind arise you shall report fully to the department, giving a careful analysis of the project and its probable effect upon genuine American business interests.

I am, etc., P. C. KNOX.

MANNER OF REPORTING REGISTRATIONS OF AMERICAN CITIZENS.

The Secretary of State to the American consular officers.

DEPARTMENT OF STATE,
Washington, April 21, 1910.

GENTLEMEN: Referring to previous circular instructions relating to the registration of American citizens, you are directed hereafter not to send a transmitting despatch when forwarding the duplicate certificates of registration to the department, unless, of course, it is necessary to bring to the department's attention circumstances bearing upon the registration. In cases where it is necessary to send a transmitting despatch with the duplicate certificate of registration, a separate despatch, in duplicate, should be prepared covering each individual case, and such despatch should be accompanied by the duplicate certificate only of the person whose case is referred to in the despatch.

Each despatch concerning the registration of American citizens should be confined to the case of one person.

I am, etc.,
For Mr. Knox:

WILBUR J. CARR.

MANNER OF TRANSMITTING PASSPORT APPLICATIONS.

The Secretary of State to the American consular officers.

DEPARTMENT OF STATE,
Washington, May 19, 1910.

GENTLEMEN: Referring to previous circular instructions on the subject of the issuance of passports, you are directed hereafter not to send a transmitting despatch when forwarding applications for passports, unless, of course, it is necessary to bring to the department's attention circumstances bearing upon the application. In cases where it is necessary to send a transmitting despatch with the application for passport, a separate despatch, in duplicate, should be prepared covering each individual case, and such despatch should be accompanied by the application only of the person whose case is referred to in the despatch.

I am, etc.,
For Mr. Knox:

WILBUR J. CARR.

PASSPORTS.

The Secretary of State to the diplomatic officers of the United States.

DEPARTMENT OF STATE,
Washington, June 1, 1910.

GENTLEMEN: Referring to previous circular instructions on the subject of the issuance of passports, you are directed hereafter not to send a transmitting despatch when forwarding applications for passports, unless of course it is necessary to bring to the department's attention circumstances bearing upon the applications.

Applications on which emergency passports have been issued should bear a notation to that effect conspicuously placed at the top of the form.

In cases where it is necessary to send a transmitting despatch with the applications for passport, a separate despatch, in duplicate, should be prepared covering each individual case, and such despatch should be accompanied by the application only of the person whose case is referred to in the despatch.

I am, etc.,

P. C. KNOX.

EXPATRIATION.

THE APPLICATION OF THE SECOND PARAGRAPH OF SECTION 2 OF THE ACT OF MARCH 2, 1907.

The Acting Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, July 21, 1910.

GENTLEMEN: Referring to the department's circular instruction of April 19, 1907,[1] entitled "Expatriation," and especially to the second

[1] See p. 13.

paragraph of section 2 of the act of March 2, 1907,[1] quoted on the fourth page thereof, you are informed that the department has decided that this paragraph is not to be construed as retroactive. In other words, it has been decided that the foreign residence of a naturalized citizen prior to March 2, 1907, is not to be computed in determining whether such person has expatriated himself by a residence of two years in the foreign State from which he came or five years in any other foreign State. It will be seen that this decision will not affect cases arising in the future of persons who shall have resided for two years in the foreign States from which they came, because of the fact that more than two years have elapsed since the law went into effect. This decision will affect, however, the cases of naturalized citizens residing in foreign countries other than their countries of origin, because of the fact that as five years have not yet elapsed since the law went into effect, the presumption created by the statute has not yet become operative against such persons, and will not become operative as to them until March 2, 1912. The status of such persons meanwhile must be determined according to the attendant facts and circumstances, which should in each case be fully reported to the department without delay.

I am, etc.,

HUNTINGTON WILSON.

PROTECTION OF NATIVE AMERICANS RESIDING ABROAD.

The Acting Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, July 26, 1910.

GENTLEMEN: The department's attention has been called in recent years, especially through registration reports submitted under the circular instruction of April 19, 1907, to numerous cases of persons claiming American citizenship through birth in the United States, who have resided in foreign lands for many years, and apparently have no real intention of returning to this country to reside. In the circular instruction of March 27, 1899,[2] entitled "Passports for Persons Residing or Sojourning Abroad," especial reference is made to this class of persons, and the following statements appear:

A condition percedent to the granting of a passport is, under the law and the rules prescribed by authority of the law, that the citizenship of the applicant and his domicile in the United States and intention to return to it with the purpose of residing and performing the duties of citizenship shall be satisfactorily established. One who has expatriated himself can not, therefore, receive a passport.

* * * * * * *

But even where expatriation may not be established, a person who is permanently resident and domiciled outside of the United States can not receive a passport.

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[1] See p. 61. [2] See p. 3.

After a careful consideration of the principles underlying this whole question of the protection of American citizens abroad, the department has come to the conclusion that in the case of a native American residing in a foreign land, whether civilized or semibarbarous, a definite intention to resume residence in this country should not be made an absolute prerequisite to the privilege of receiving a passport or certificate of registration, or, if necessary, protection by this Government.

In modern times there has been a vast improvement in facilities for communication and transportation between the various nations of the earth, and a corresponding increase in international travel and trade, and it has become a not unusual practice for citizens of one country to establish themselves in another country for purposes of business, without any intention of renouncing their original allegiance. Therefore it is the department's opinion that the acquisition of permanent foreign residence by a native citizen has not the same significance which it had in former years. It is considered that an American citizen may now have a permanent foreign residence and yet contribute, indirectly if not directly, to the wealth and strength, the prestige, and general welfare of his country, so that as long as he maintains a true allegiance to this Government and is ready, if need be, to come to its defense, he may be entitled to its protection.

In each case of an American permanently residing abroad it will be necessary, before deciding as to his right to protection, to determine, among other things, whether he maintains an actual connection with the United States and a true allegiance thereto, or whether he has practically abandoned this country and identified himself with the political community of the land in which he resides; and while, as to questions arising in regard to registration and the issuance of passports, a lack of intention to resume residence in this country may, upon matters relating to protection as American citizens, still raise a presumption of expatriation, such presumption shall not be considered as conclusive, but the person concerned shall be given an opportunity to show that he is still a true citizen of the United States. In this connection are to be considered the cause of the foreign residence, participation in the politics of the country of residence or abstention therefrom, ties of family, business, or property maintained with this country, and, in the case of a married man, the original nationality of the wife and the mode of raising the children, and, finally, the general conduct of the person in question. It is impossible to lay down a general rule which will be applicable to every case which arises, and each case must be decided upon its peculiar merits. You will, therefore, not finally refuse a passport or registration certificate to any person belonging to the class under consideration until you shall have been authorized to do so by the department after a full presentation of the pertinent facts.

I am, etc.,

HUNTINGTON WILSON.

EXTENSION OF PASSPORTS.

The Acting Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, August 30, 1910.

GENTLEMEN: Referring to the statements in the department's circular instruction of April 19, 1907, entitled "Issuance of Passports,"[1] in regard to the extension of passports issued by the department, you are instructed hereafter to report such extensions on cards instead of in despatches. A supply of cards for this purpose will be sent to you under separate cover. When your supply is nearly exhausted you will inform the department, so that extra cards may be sent. The card provides blank spaces for insertion of the number of the passport, the name of the holder, the date of issuance by the department, the name of the office making the extension, the date thereof, and the initials of the officer in charge.

I am, etc.,

HUNTINGTON WILSON.

DEPARTMENT PASSPORTS AND EMERGENCY PASSPORTS.

The Acting Secretary of State to the diplomatic officers of the United States and the consular officers having authority to issue emergency passports.

DEPARTMENT OF STATE,
Washington, December 13, 1910.

GENTLEMEN: For the purpose of preventing the confusion of applications for department passports with applications upon which emergency passports have been issued, you are instructed to mark the former clearly in the upper left-hand corner in red ink with the words: "Application for department passport." For this purpose rubber stamps will be sent to you. The notation should be made upon applications which may be executed before other officers and transmitted through your offices, as well as upon those executed before you.

In this connection your attention is called to the direction in the circular instruction of June 1, 1910,[2] entitled "Passports" as to the notation to be made upon emergency-passport applications. For this the department will also send you rubber stamps bearing the following words: "Emergency passport issued to enable bearer to proceed to_____."

I am, etc.,

HUNTINGTON WILSON.

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[1] Supra, p. 14.

[2] See p. 33.

EXPATRIATION.

The Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, December 22, 1910.

GENTLEMEN: The department has received a copy of an opinion of the Attorney General under date of December 1, 1910, containing an important ruling as to the meaning of the second paragraph of section 2 of the expatriation act of March 2, 1907. (See expatriation circular of Apr. 19, 1907.) The opinion relates to the admission to this country as an American citizen of Nazara Gossin, wife of Jebran Gossin, who was born in Syria, was naturalized as a citizen of the United States in 1905, and returned in 1907 to his native land, where he remained over two years. He was admitted, but his wife, who had trachoma, was detained by the immigration authorities. The following extracts from the decision are quoted for your information:

Section 1994 of the Revised Statutes provides:

"Any woman who is now or may hereafter be married to a citizen of the United States and who might herself be lawfully naturalized shall be deemed a citizen."

Nothing to the contrary appearing, I assume that Nazara Gossin "might herself be lawfully naturalized," and hence is to be deemed a citizen upon her marriage to a citizen of the United States. (27 Op. A. G., 507, and cases cited.) Her present citizenship status depends, therefore, upon that of her husband; and under the facts presented he is now a citizen unless his citizenship has been forfeited under the act of March 2, 1907 (34 Stat., 1228).

* * * * * * *

The presumption as to noncitizenship raised by the act is created for the purpose of relieving the State Department of protecting naturalized citizens abroad when the conditions are apparently such as to indicate that they have no bona fide intention to return to and reside in the United States. When a citizen returns to the United States the necessity for such protection no longer exists, and it is fair to assume that with the cessation of the necessity the presumption created by the act also ceases.

In my opinion, therefore, under the facts stated Jebran Gossin has not lost his ciizenship, and his wife, Nazara Gossin, upon the assumption above stated that she herself might be lawfully naturalized, is also to be deemed a citizen.

I am, etc.,

P. C. KNOX.

[No. 16. General Instruction. Consular.]

DECLARATION OF FOREIGN-BORN CHILDREN REQUIRED BY SECTION 6, ACT OF MARCH 2, 1907.

The Acting Secretary of State to the diplomatic and consular officers of the United States.

DEPARTMENT OF STATE,
Washington, March 14, 1911.

GENTLEMEN: Referring to the department's circular instruction of April 19, 1907, entitled "Children of Citizens Born Abroad,"[1] and to section 6 of the act of March 2, 1907,[2] quoted therein, you are informed

[1] See p. 12. [2] See p. 61.

that the department has decided that the declarations of "intention to become residents and remain citizens of the United States" required therein have reference to the right of protection rather than citizenship under municipal law, and that such declarations may be made at any time after the minors concerned have reached the age of eighteen years and before they take the oath of allegiance to the United States; not necessarily before they reach the age of nineteen years.

I am, etc.,

HUNTINGTON WILSON.

[No. 77. General instruction. Consular.]

EXPATRIATION.

RULE (D) UNDER WHICH THE PRESUMPTION ARISING UNDER SECTION 2 OF THE ACT OF MARCH 2, 1907, MAY BE OVERCOME.

The Secretary of State to the American diplomatic and consular officers (including consular agents).

DEPARTMENT OF STATE,
Washington, November 18, 1911.

GENTLEMEN: In view of the decision of the Attorney General communicated to you in the circular instruction of December 22, 1910,[1] entitled, "Expatriation," the following rule (*d*) is adopted as supplementary to rules (*a*), (*b*), and (*c*) prescribed in the circular instruction of April 19, 1907, whereunder the presumption of expatriation arising against a naturalized citizen under the provision of the second paragraph of section 2 of the act of March 2, 1907, may be overcome; namely, by his presenting to a diplomatic or consular officer proof establishing the following fact:

(*d*) That he has made definite arrangements to return immediately to the United States for permanent residence.

When a naturalized citizen against whom the presumption has arisen has failed previously to present evidence sufficient under rules (*a*), (*b*), and (*c*) to overcome it, but applies to a diplomatic or consular officer for a passport such officer should require positive evidence of some kind, besides the man's bare allegation, first, that he intends to return forthwith to this country, and has actually made his arrangements to do so, and, second, that his intended return is for permanent residence and not merely for a temporary visit. In this connection the disposition of his property and effects, the arrangements in regard to his family, if he has one, and the steps taken to obtain passage to the United States are to be considered; and, whenever practicable, the exhibition of the applicant's steamship ticket should be required.

Under the circumstances mentioned a passport may be issued to the person concerned by a diplomatic officer or consular officer authorized to issue emergency passports, if he needs it to enable him to leave the country in which he has been residing or to pass on his

[1] See p. 37.

way to the United States through a country in which passports are required. A passport should not be issued merely to facilitate entry into the United States.

An emergency passport issued under the conditions mentioned should be limited to a period sufficient to cover the date of embarkation or period of passage and should recite upon its face the object for which it is issued.

I am, etc.,

P. C. KNOX.

[No. 80. General instruction. Consular.]

REGISTRATION OF CITIZENS OF PORTO RICO AND THE PHILIPPINE ISLANDS.

The Secretary of State to the American consular officers.

DEPARTMENT OF STATE,
Washington, December 9, 1911.

GENTLEMEN: You are informed that persons may be registered in principal consular offices as citizens of Porto Rico or the Philippine Islands, "owing allegiance to the United States," in the books provided for the registration of American citizens, with the necessary changes made therein. As to those persons who are entitled to be considered citizens of Porto Rico, you are referred to the act of Congress of April 12, 1900, establishing a civil government for Porto Rico, which provides as follows:

> All inhabitants continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April, 1900, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the 11th day of April, 1899. (30 Stat. L., 1754; see also Van Dyne on Naturalization, c. IV, p. 309.)

As to those persons who are entitled to be considered citizens of the Philippine Islands, you are referred to the following provisions of the act of July 1, 1902:

> All inhabitants of the Philippine Islands continuing to reside therein, who were Spanish subjects on the 11th day of April, 1899, and then resided in said islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain, signed at Paris December 19th, 1898. (30 Stat. L., 1754; Van Dyne on Naturalization, c. IV, pp. 309, 310.)

It has been held that the requirements of the laws quoted as to residence in Porto Rico and the Philippine Islands refer to legal residence and not necessarily bodily presence on the dates stated.

Persons applying for registration as citizens of Porto Rico and the Philippine Islands should be required to produce sworn applications as to birth and residence, accompanied by the best documentary evidence procurable that they were Spanish subjects at the time of the annexation of the islands, and you should require that their state-

ments be supported by affidavits of two credible persons, as in applications for insular passports. Duplicate certificates of registration should not be issued to persons claiming citizenship of Porto Rico or the Philippine Islands until their applications have been approved by the department.

I am, etc.,
For Mr. Knox:

WILBUR J. CARR.

EXPATRIATION AND PROTECTION OF AMERICANS IN TURKISH DOMINIONS—RULE E.

The Secretary of State to the American consul general at Beirut, Syria.

DEPARTMENT OF STATE,
Washington, December 16, 1912.

SIR: The department's attention has been called to the fact that there are in Turkey several communities of American citizens which have never been formally recognized as such by the Turkish Government, although their inhabitants have continued to hold themselves out as American citizens and to subject themselves to the jurisdiction of the consular courts of this country. A large number of these persons, most of whom had obtained American citizenship through naturalization, had already established themselves in Turkey when the expatriation act of March 2, 1907, went into effect, and many of them, being aged and infirm or in destitute circumstances, find is practically impossible to return to the United States and are not in a position to overcome the presumption of expatriation under the rules heretofore prescribed. With this class of persons in view, and in the exercise of the discretionary power vested in it by the law mentioned, the department hereby prescribes the following rule (*e*) as supplementary to the rules (*a*, *b*, *c*, and *d*) prescribed in the circular instruction of December 11, 1907, entitled "Expatriation and Protection of Americans in Turkish Dominions," whereunder the presumption of expatriation may be overcome.

(*e*) The presumption of expatriation may also be overcome, in the case of a person who was not formerly a Turkish subject, by showing that on March 2, 1907, he had already established his residence in an American community in Turkey, whether or not it has been formally recognized as such by the Ottoman Government, and that he is still residing therein, and that it has been and still is impracticable for him to return to this country to reside.

It is important to observe that this rule has no application to persons who were formerly Turkish subjects, or to those who settled in Turkey subsequent to the passage of the law in question and must therefore be presumed to have had knowledge of its provision, or to those who obtained naturalization unlawfully. Furthermore this rule is not to be construed as applicable to persons who were born in Turkey of American parents. Their cases must be decided according to their peculiar merits.

In connection with this matter reference is made to the department's identical written instructions of August 20, 1912, to the embassy at Constantinople, the consulate general at Beirut, and the

consulate at Jerusalem, and to the department's telegraphic instruction of November 27, 1912, to the embassy.

You will please make a notation concerning this instruction upon the copy in your files of the circular instruction of December 11, 1907, entitled "Expatriation and Protection of Americans in Turkish Dominions."

Instructions identical with this are being sent to the consular offices at Bagdad, Constantinople, Aleppo, Harput, Jerusalem, Mersina, Saloniki, Smyrna, and Trebizond, and to the embassy at Constantinople.

I am, etc.,

For Mr. Knox:

WILBUR J. CARR.

[No. 282. General Instruction. Consular.]

INCOME-TAX LAW.

The Secretary of State to the American consular officers (including consular agents).

DEPARTMENT OF STATE,
Washington, February 28, 1914.

GENTLEMEN: There is enclosed for the information and use of those consular officers whose incomes are subject to taxation under the provisions of the income-tax law, a copy of the Return of Annual Net Income of Individuals (Form 1040)[1], which is required to be made to the collector of internal revenue on or before March 1, 1914. Your attention is directed to section 2 of the act of October 3, 1913, which provides, subject to certain exemptions and deductions, that a tax of 1 per cent shall be collected annually upon the entire net income of every citizen of the United States whether residing at home or abroad. This return, since for only five-sixths of a year, must be made by all consuls and other Americans whose net income for the period March 1–December 31, 1913, was $2,500 or more.

Specific exemptions allowed by law are $3,000 per annum for an unmarried individual or a married individual not living with wife or husband, and $4,000 per annum when husband and wife live together. (See instructions 3 and 19, Form 1040.)[1]

The return must be itemized showing all sources of income, general deductions, and specific exemptions, and should be sworn to.

You will inform the American citizens residing in your district about this matter.

The payment of the tax should be made by separate bills of exchange.

I am, etc.,

For the Secretary of State:

WILBUR J. CARR.

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[1] Not printed. Copies may be had on application to Department of State.

[No. 292. General instruction. Consular.]

PAYMENT OF THE INCOME TAX BY PERSONS RESIDING ABROAD AGAINST WHOM THE PRESUMPTION OF EXPATRIATION HAS ARISEN.

The Secretary of State to the American diplomatic and consular officers (including consular agents).

DEPARTMENT OF STATE,
Washington, March 18, 1914.

GENTLEMEN: The department has received several inquiries concerning the payment of the income tax under the provision of section 2 of the act of October 3, 1913, by persons residing abroad who claim American citizenship. These inquiries involve particularly two questions: (1) Whether a naturalized American citizen who has brought upon himself the presumption of expatriation, under the provision of the second paragraph of section 2 of the act of March 2, 1907, by protracted residence abroad, and has failed to overcome such presumption under the established rules is required to pay the income tax as an American citizen, and (2) whether a naturalized American citizen residing abroad can overcome the presumption of expatriation by payment of the income tax.

The question as to the liability of a particular person to pay the income tax must be determined not by this department but by the Treasury Department, under which the income-tax law is administered. Persons making inquiry concerning this point should, therefore, be advised to apply to the Treasury Department for information.

With reference to the second inquiry mentioned above your attention is called to the fact that naturalized citizens of the United States who have brought upon themselves the presumption of expatriation, under the provision of the second paragraph of section 2 of the act of March 2, 1907, by protracted residence abroad, may overcome such presumption only upon presenting "satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe." The department has not prescribed a rule that the presumption of expatriation arising under the law mentioned may be overcome by showing that the person concerned has paid, or is ready to pay, the income tax of the United States. However, if a person against whom the presumption of expatriation has arisen presents, in connection with an application for a passport or for registration in a consulate or for actual protection, evidence that he has paid the income tax, this fact will receive due consideration in connection with other evidence submitted to overcome the presumption of expatriation under the established rules, and particularly with regard to the question of the intent to return to this country to reside. The payment of the income tax will also be duly considered in deciding the question of the right to the continued protection of this Government in cases of native American citizens who have resided abroad for a period so long that the natural presumption may be held to have arisen that they have abandoned this country.

I am, etc.,

W. J. BRYAN.

[No. 340. Special instruction. Consular.]

CITIZENSHIP OF CHILDREN BORN OF AMERICAN FATHERS WHO HAVE NEVER RESIDED IN THE UNITED STATES.

The Secretary of State to the American diplomatic and consular officers in China and Turkey.

DEPARTMENT OF STATE,
Washington, July 27, 1914.

GENTLEMEN: The department's attention has been drawn of late, through applications for passports and registration in consulates, to the question of the citizenship of persons born in China and Turkey, whose fathers were also born therein and claimed American citizenship under the provision of section 1993 of the Revised Statutes of the United States, but had never resided in the United States.

Sections 1992 and 1993 of the Revised Statutes of the United States read as follows:[1]

The provision of section 1992 is similar to the following provision of the 14th amendment to the Constitution, so far as it applies to native citizens:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.

It is obvious that persons of the class mentioned can not claim American citizenship under the provision of section 1993 of the Revised Statutes, since their fathers had never resided in the United States when such persons were born. Moreover, the department considers that these persons were not born citizens of the United States under the provision of section 1992 of the Revised Statutes or the provision of the 14th amendment to the Constitution just quoted, which, in the department's opinion, are applicable only to cases of persons actually born within the territory and jurisdiction of the United States. Consequently the department holds that persons of the class mentioned are not citizens of the United States, even though their fathers may have resided in American communities and submitted themselves to the extraterritorial jurisdiction of the United States. Therefore, such persons are not entitled to the protection of this Government.

It is important to observe that this ruling is contrary to the ruling of the department set forth in the instruction No. 22 of August 9, 1887, to the consul at Smyrna, Turkey (Foreign Relations of the United States for 1887, p. 1125: Moore's International Law Digest, vol. 3, pp. 287–288), and to the similar ruling contained in the department's instruction No. 28, of January 6, 1888, to the consul general at Apia, Samoa. (Moore's International Law Digest, vol. 3, pp. 288–289.)

A copy of the opinion of the Solicitor, dated June 22, 1914, in the case of Ben Zion Lilienthal is appended hereto.

I am, etc.,

W. J. BRYAN.

[1] See p. 60.

[Inclosure.]

MEMORANDUM IN THE MATTER OF THE CITIZENSHIP OF BEN ZION LILIENTHAL.

DEPARTMENT OF STATE,
OFFICE OF THE SOLICITOR,
June 22, 1914.

Upon the statement in this case, it appears that Lilienthal, a member of the Zionist community, was born in Jerusalem in 1883. Neither he nor his father ever resided in the United States; but the grandfather was a naturalized citizen of this Government and, of course, resided at one time in the United States.

The father of Lilienthal was a citizen of the United States, under the laws of this Government, for the reason that he was born son of a citizen of the United States who had resided in the United States.

It seems to me that the statement of fact that neither Lilienthal nor his father ever resided in the United States settles the question of Lilienthal's claim of United States citizenship against him.

The applicable statute of Congress reads:

> All children heretofore born, or hereafter born, out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; *but the rights of citizenship shall not descend to children whose fathers never resided in the United States.*

The whole question turns upon the proper construction of the words "resided in the United States." This language is to be taken in its ordinary and plain significance, and when so taken seems to settle the question at hand.

I perceive no foundation for the contention made in some of the memoranda attached to this correspondence—that residence of Lilienthal's father in a Zionist community in Turkey was residence in the United States. That is a too attenuated stretch of the words of the statute, no matter what may be the extraterritorial rights of the United States in these Turkish communities.

In the last clause of the statute the words "jurisdiction of the United States," found in the first clause, are significantly omitted; and this omission I consider to have been by design and not by inadvertence. The last clause of the statute is an express limitation on the first; and the statute may be read as if it said "all children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers, having resided in the United States, were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States."

The contention that as Lilienthal's father resided in a Zionist community over which the United States has some sort of extraterritorial rights he resided in the United States answers itself; for if it be conceded that, on account of the extraterritorial rights of the United States in these Zionist communities, they are "within the jurisdiction of the United States," then Mr. Lilienthal can not claim citizenship under section 1993 because, under such contention, he was not born out of the limits *and jurisdiction* of the United States, and he would have to look to section 1992 for his right of citizenship. When we

look to that section we find it there enacted that "all persons born *in the United States* and not subject to any foreign power, etc., are declared to be citizens of the United States." Two things must concur under this section to give citizenship—birth in the United States and nonsubjection to a foreign power. Can Lilienthal be said to have been born in the United States? Manifestly not. I recall no decision in which the words of this statute, or similar words used in other legislative enactments requiring residence within a particular political division, have been stretched to cover residence outside of such division or territory and in a foreign country. Residence necessarily involves the idea of locality, of place—an abiding within particular territorial limits.

The discussion of the origin and characteristics of Zionist communities and their relation to the Turkish Government, as relating to the question of the extraterritorial rights of the United States in such communities, is outside the question at hand, for I can not give my assent to the contention that these communities are within the United States, whatever may be the extraterritorial rights of the United States in them.

How much stronger is the argument that birth in the Philippine Islands, which the United States own outright, should be held to be birth in the United States, and that every child born in the Philippines since their acquisition by this Government is a native-born citizen of the United States in the full import of that term.

If residence in the Philippines is not counted as residence within the United States for purpose of naturalization, as I understand has been ruled by this department, how much less can residence in a Zionist community in Turkey be said to be residence in the United States.

If Lilienthal is to be held a citizen of the United States, then Lilienthal's children and descendants to the latest generation, in the same situation, will be citizens of the United States, a result which, I apprehend, the United States will not be disposed to insist upon.

I would not have considered it necessary to say so much except for certain memoranda in the files which attempt to present a contrary view and to suggest that residence of Lilienthal's father in a Zionist community in Turkey was residence in the United States, or that Lilienthal, having been born in one of these communities in Turkey, was born in the United States. I think Chief Justice Fuller in his dissenting opinion in United States *vs.* Wong Kim Ark, 169 U. S., 714, correctly interpreted the purpose of the last clause of section 1993, when he said:

> By this section a limitation is prescribed on the passage of citizenship by descent beyond the second generation, if then surrendered by permanent nonresidence, and this limitation was contained in all the acts from 1790 down.

(The majority opinion in that case does not announce a doctrine contrary to the conclusions above stated; that opinion holding that a child born in the United States [that is, within the territorial limits of the United States proper] of Chinese parents, who are subjects of the Emperor of China but permanently domiciled and residing in the United States and carrying on business in this country, is a native-born citizen of the United States.)

CONE JOHNSON.

[No. 370. General instruction. Consular.]

NEW PASSPORT REGULATIONS.

The Secretary of State to the American diplomatic and consular officers.

DEPARTMENT OF STATE,
Washington, December 21, 1914.

GENTLEMEN: In confirmation of the department's recent telegraphic instructions to diplomatic and certain consular officers concerning the preparation of applications for departmental and emergency passports, and the issuance of the latter, the following instructions are given for your guidance. These instructions are prescribed in pursuance of the passport regulations signed by the President November 13, 1914.

EVIDENCE OF CITIZENSHIP AND IDENTIFICATION.

Conditions precedent to the granting of a passport are, under the law and rules prescribed by authority of the law, that the citizenship of the applicant, his identity, and, as a rule, his permanent residence in the United States and definite intention to return to it, with the purpose of performing the duties of citizenship, shall satisfactorily be established. (See circular instruction of July 26, 1910, entitled "Protection of Native Americans Residing Abroad," and circular instruction of April 19, 1907, entitled "Expatriation," as amended by circular instruction of May 14, 1908.) Exceptions to the latter condition may be made in some cases by special direction of the department, particularly in cases of persons residing abroad as representatives of American trade and commerce and as missionaries of American church organizations.

The applicant should, if possible, be introduced by a reputable person known to the office which takes the application, or, if this is impossible, he should be required to identify himself by satisfactory documentary evidence. In doubtful cases references to persons in this country should be required, so that the department may make proper enquiries concerning the applicants.

Emergency passports and consular registration certificates should not be accepted as conclusive evidence of citizenship. In this relation it may be observed that in some cases such documents have been issued hastily and without proper examination into the citizenship and identity of the applicants, especially during the period immediately following the outbreak of the present European war.

NATIVE AMERICAN CITIZENS.

In taking the passport application of a person alleging native citizenship, you should require the applicant to submit a birth certificate, if possible, or letters or other documents satisfactorily establishing his citizenship. The nature of the evidence submitted to you must be stated in the passport application.

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[1] See also pp. 49–50.

NATURALIZED AMERICAN CITIZENS.

A person claiming citizenship by naturalization *must be required to submit his certificate of naturalization or a certified copy of the court record thereof, or an old passport issued by the department, and his passport application must state the name of the court in which he obtained naturalization and the date thereof.* If any such person is unable to submit such documentary evidence of his naturalization, you should inform the department of the name of the court in which he alleges that he obtained naturalization and the date thereof, so that the department may take steps to verify his allegation.

PHOTOGRAPHS OF APPLICANTS.

Each applicant for a passport must submit triplicate unmounted photographs of himself on thin paper, not larger than three by three inches in size, one to be attached to each of his applications by the officer before whom they are executed, and the third to be attached to the passport and to be partly stamped with an impression of the seal of the issuing office.

An application forwarded to the department for a regular passport must necessarily be accompanied by a loose photograph of the applicant in addition to the one attached to the application, so that the former may be attached to the passport, with an impression of the department's seal.

NAMES OF COUNTRIES APPLICANTS EXPECT TO VISIT AND OBJECTS OF VISITS.

Each application must state the names of the countries which the applicant expects to visit and the object of the visit. The statement concerning the object of the applicant's visit should be general in form, thus: "commercial business," "health," "study," "visiting relatives," "recreation," "settling an estate," etc.

With reference to the statement "commercial business," you are instructed that no mention should be made of the exact nature of the business in which the applicant is engaged; that is, it would be improper to state the name or names of the concerns which the applicant represents or the nature of the goods which he expects to purchase or sell. (The form of the statement written upon the faces of passports is quoted below.)

ISSUANCE OF EMERGENCY PASSPORTS.

Diplomatic and consular officers authorized to issue emergency passports should exercise the greatest caution in doing so, and should require of each applicant unquestionable evidence of his citizenship and identity. A photograph of the applicant should be attached to the passport (in the upper left-hand corner) with an impression of the seal of the issuing office, which should be so placed as partly to cover one side but not the features. The following statement should be made upon the face of the passport (in the upper right-hand corner):

The person to whom this passport is issued has declared under oath that he desires it for use in visiting the countries hereinafter named, for the following objects:

(Name of country.)	(Object of visit.)
(Name of country.)	(Object of visit.)
(Name of country.)	(Object of visit.)

This passport is uot valid for use in other countries except for necessary transit to or from the countries named.

Rubber stamps should be used in making the above form of statement.

When an American citizen sojourning abroad and holding a passport limited for use in certain countries finds it necessary to visit another country, not mentioned therein, he may turn in the passport which he holds at the American embassy, legation, or consulate authorized to issue emergency passports in the country where he is sojourning, and obtain an emergency passport limited for use in the particular trip which he has in view.[1] Upon his return, he may surrender such emergency passport and recover the passport which he previously held. It is not proper for one person to hold two valid passports.

In the issuance of emergency passports under the conditions just mentioned the same rules should be observed as in the issuance of emergency passports in general.

AMENDMENT OF PASSPORTS ISSUED PRIOR TO THESE REGULATIONS.[2]

American citizens holding valid passports issued prior to these regulations should be notified, through the press or otherwise, to present themselves to a diplomatic or consular office within two weeks, if possible, so that their passports may be amended to conform with the new passport regulations. The department has reason to believe that there are some persons abroad holding emergency, and perhaps departmental, passports to which they are not entitled. Therefore, when a passport is presented to you for amendment in accordance with the new regulations, you should examine the holder carefully and require him to submit the same evidence of his citizenship and identity which would be required of him were he making an original application for a passport. If any holder of a passport appears to be not entitled to it, you should retain the passport, investigate the case, and inform the department fully of the pertinent facts and your conclusions.

All holders of emergency passports who expect to continue their residence abroad for a considerable period should be notified to apply forthwith for regular departmental passports.

W. J. Bryan.

[1] The department, since issuing this instruction, deems it advisable to instruct its officers to exercise the greatest care in determining whether or not the issuance of these emergency passports is absolutely necessary and for a legitimate purpose.

[2] Passports are not to be amended for use in belligerent countries without express authorization of the Department of State.

[No. 373. General instruction. Consular.]

ISSUANCE OF EMERGENCY PASSPORTS AND THE VISAING OF PASSPORTS.

The Secretary of State to the American diplomatic and consular officers.

DEPARTMENT OF STATE,
Washington, December 26, 1914.

GENTLEMEN: There is printed on the overleaf, for your information and guidance, the Executive order of August 14, 1914, relative to visaing passports and the waiver, until further notice, of fees for the issuance of emergency passports, for the execution of applications for emergency passports, and for the visaing of passports.

It will be noted that the Executive order shall have no effect as to fees collected by diplomatic or consular officers before they shall have actually received notice of its contents. Certain of the diplomatic and consular officers have already been notified by telegraph of the provisions of the order with reference to the waiver of fees, and the order became effective as to those officers from the date of the receipt of the telegraphic notification.

I am, etc.

For the Secretary of State:

ROBERT LANSING.

[Inclosure.]

EXECUTIVE ORDER.

It is hereby ordered that paragraphs 159 and 160 of the Regulations and Instructions Prescribed for the Use of the Consular Service of the United States and the Instructions to the Diplomatic Officers of the United States be amended to read as follows:[1]

159. *Fees.*—Until further notice, no fee shall be collected for the issuance of an emergency passport, nor for the execution of the application therefor. This has no reference to a regular passport issued by the department upon an application made before a diplomatic or consular officer.

160. *Visa.*—A diplomatic officer or a consular officer, including a consular agent, may visa or verify regularly issued passports by endorsing thereon the word "Good" in the language of the country and affixing to the endorsement his official signature and seal. A diplomatic officer should visa a passport only when there is no American consulate established in the city where the mission is situated, or when the consular officer is absent, or the Government of the country refuses to acknowledge the validity of the consular visa. Whenever a passport without signature is presented to be visaed the holder should be required to sign it before it is visaed by a diplomatic or consular officer. Until further notice, no fee shall be collected for the visaing of a passport. No visa shall be attached to a passport after its validity has expired.

Sections 8, 9, and 32 of the Tariff of United States Consular Fees shall be amended to read as follows:

8. Issuing a passport, Form No. 9, for extending a passport (fee waived until further notice by Executive order of August 14, 1914)..... No fee.
9. Visaing a passport, Form No. 10 (fee waived until further notice by Executive order of August 14, 1914)..... No fee.
32. Administering oath and preparing passport application (fee waived as to emergency passport applications by Executive order of August 14, 1914)..... No fee.

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[1] See circular of Mar. 31, 1915, restoring fee.

This order shall have no effect as to fees collected by diplomatic or consular officers before they shall have actually received notice of its contents.

The Secretary of State may, when he sees fit, without further authorization, terminate the waiver of fees hereby put into effect, and restore the tariff of fees to the condition existing prior to the amendments made herein.

WOODROW WILSON.

THE WHITE HOUSE, *14 August, 1914.*

[No. 2022.]

[No. 383. General instruction. Consular.]

TERMINATION, EXTENSION, AND AMENDMENT OF PASSPORTS, AND ADVICE TO AMERICANS TRAVELING ABROAD.

The Secretary of State to the American diplomatic and consular officers (including consular agents).

DEPARTMENT OF STATE,
Washington, February 8, 1915.

GENTLEMEN: The department sends you herewith a copy of the Rules Governing the Granting and Issuing of Passports in the United States, signed by the President January 12, 1915, which became effective February 1, 1915. Your particular attention is called to section eleven of the rules, which reads as follows:

Expiration and renewal of passport.—A passport expires six months from the date of its issuance. A new one will be issued upon a new application, accompanied by the old passport, and, if the applicant be a naturalized citizen, the old passport will be accepted in lieu of a certificate of naturalization, if the application upon which it was issued is found to contain sufficient information as to the naturalization of the applicant. Passports are not renewed by the department, but a person abroad holding a passport issued by the department may have it renewed for a period of six months upon presenting it to a diplomatic or principal consular officer of the United States, when it is about to expire, with a sworn statement of the names of the countries which he expects to visit and the objects of his visits thereto. No passport shall be renewed more than twice.

The statement inserted in the passport concerning the names of the countries which the holder expects to visit and the objects of his visits thereto has been amended to read as follows:

The person to whom this passport is issued has declared under oath that he desires it for use in visiting the countries hereinafter named, for the following objects:

(Name of country.)	(Object of visit.)
(Name of country.)	(Object of visit.)
(Name of country.)	(Object of visit.)

This passport is not valid for use in other countries except for necessary transit to or from the countries named, unless amended by an American diplomatic or principal consular officer.

You will note that passports issued by the department are now limited to expire six months from the date of issuance, but that they may be renewed twice by diplomatic or consular officers, instead of once as heretofore. You will also note that diplomatic and consular officers are authorized to amend the statement concerning the countries to be visited and the objects of the visits.

In extending a department passport, which is about to expire, you should use the following form:

Extended for six months from date of expiration.

_____
(American ambassador, minister, consul general, or consul.)
at_____
(Date.)

It would be advisable to have rubber stamps prepared for the above statement.

When a person holding a passport limited for use in certain countries named therein presents a satisfactory sworn statement to the effect that it is necessary for him to visit a country or countries not blamed therein, for a legitimate object, you may amend the passport to enable him to do so, using the following form:[1]

Upon the sworn application of the holder of this passport, it is hereby amended for use in visiting the additional countries hereinafter named, for the following objects:

_____ (Name of country.)	_____ (Object of visit.)
_____ (Name of country.)	_____ (Object of visit.)
_____ (Name of country.)	_____ (Object of visit.)

_____
(American ambassador, minister, consul general, or consul.)
at_____
(Date.)

For this statement also you should have rubber stamps prepared.

In each case in which a passport is amended a memorandum of such amendment should be made and forwarded to the department, to be attached to the original application for the passport. Except in unusual cases, it will not be necessary to accompany such memoranda with regular despatches.

When a passport is amended in the manner indicated it is, of course, unnecessary to issue an emergency passport, as authorized by the general instruction of December 21, 1914, entitled "New Passport Regulations."

2. The department also sends herewith copies of its printed circulars of February 8, 1915,[2] and November 17, 1914,[3] entitled, respectively, "Notice Concerning Passports and Registration in Consulates," and "Notice to American Citizens who Contemplate Visiting Belligerent Countries."

In the circular first named, attention is called to the necessity of having passports visaed for entrance into certain countries, and the

[1] See footnote to instruction of Dec. 24, 1914, p. 48.
[2] Inclosure printed is one amended Sept. 7, 1915.
[3] Inclosure printed is one amended Oct. 4, 1915.

advisability of having them viséed for entrance into other countries. American citizens are also reminded that, when they make a prolonged stay in any foreign country, they should apply for consular registration at the American consulate nearest the place in which they are sojourning.

In the circular of November 17, Americans are advised not to visit belligerent countries unnecessarily, and particularly to avoid, if possible, passing through or from a belligerent country to a country which is at war therewith. The reasons for this advice are obvious. Those who find it necessary to go to belligerent countries are advised concerning the necessity of providing themselves with passports and other documentary identification. They are also cautioned to avoid unneutral conduct or utterances. In this relation it may be observed in passing that it is even more important, if possible, for those who represent this Government officially to avoid unneutral conduct or utterances.

Before issuing an emergency passport, or extending a department passport, to enable the holder to visit a belligerent country, you should endeavor to ascertain, by discreet inquiry, whether he intends to visit such country for a legitimate purpose, not inconsistent with his status as an American citizen, although in the case of a person traveling abroad as representative of an American concern it is not necessary or proper to state in the passport the name of the concern which he represents or the nature of the goods which he is endeavoring to sell.

If you deem it advisable, you may have extra copies of the two circulars last mentioned printed for distribution on occasion to American citizens.

I am, etc.,

W. J. Bryan.

[Inclosure 1.]

RULES GOVERNING THE GRANTING AND ISSUING OF PASSPORTS IN THE UNITED STATES.

1. *Authority to issue.*—Section 4075 of the Revised Statutes of the United States, as amended by the act of Congress approved June 14, 1902, provides that "the Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by such diplomatic or consular officers of the United States, and by such chief or other executive officer of the insular possessions of the United States, and under such rules as the President shall designate and prescribe for and on behalf of the United States." The following rules are accordingly prescribed for the granting and issuing of passports in the United States:

2. *By whom issued and refusal to issue.*—No one but the Secretary of State may grant and issue passports in the United States (Revised Statutes, sections 4075, 4078) and he is empowered to refuse them in his discretion.

Passports are not issued by American diplomatic and consular officers abroad, except in cases of emergency; and a citizen who is abroad and desires to procure a passport must apply therefor through the nearest diplomatic or consular officer to the Secretary of State.

Applications for passports by persons in Porto Rico or the Philippines should be made to the chief executives of those islands. The evidence required of such applicants is similar to that required of applicants in the United States.

3. *Fee.*—By act of Congress approved March 23, 1888, a fee of one dollar is required to be collected for every citizen's passport. That amount in currency or postal money order should accompany each application made by a citizen of the United States. Orders should be made payable to the disbursing clerk of the Department of State. Drafts or checks will not be accepted.

4. *Applications.*—A person who is entitled to receive a passport, if within the United States, must submit a written application, in the form of an affidavit, to the Secretary of State. The application should be made by the person to whom the passport is to be issued and signed by him, as it is not proper for one person to apply for another.

The affidavit must be made before a clerk of a Federal or State court within the jurisdiction of which the applicant or his witness resides, and the seal of the court must be affixed.

If the applicant signs by mark, two attesting witnesses to his signature are required. The applicant is required to state the date and place of his birth, his occupation, the place of his permanent residence, and within what length of time he will return to the United States with the purpose of residing and performing the duties of citizenship. He is also required to state the names of the foreign countries which he expects to visit, and the objects of his visits thereto. The latter statement should be brief and general in form, thus: "Commercial business";[1] "to attend to the settlement of an estate"; "to bring wife and children to this country."

The applicant must take the oath of allegiance to the United States.

The application must be accompanied by a description of the person applying, and should state the following particulars, viz: Age, ____; stature, ____; feet, ____ inches (English measure); forehead, ____; eyes, ____; nose, ____; mouth, ____; chin, ____; hair, ____; complexion, ____; face, ____; special identifying marks, if any (scars, birthmarks, etc.).

The application must also be accompanied by duplicate photographs of the applicant, on thin paper, unmounted, and not larger in size than three by three inches. One must be attached to the back of the application by the clerk of court before whom it is made, with an impression of the seal of the court so placed as to cover part of the photograph but not the features, and the other set loose, to be attached to the passport by the department. Photographs on cardboard or postcards will not be accepted.

The application must be supported by an affidavit from at least one credible witness that the applicant is the person he represents himself to be, and that the facts stated in the application are true to the best of the witness' knowledge and belief. This affidavit must be made before the clerk of court before whom the application is executed and the witness must be an American citizen, who resides

[1] An applicant who states that he is going abroad on commercial business should submit with his application a letter from the head of the concern which he represents.

within the jurisdiction of the court. The applicant or his witness must be known to the clerk of court before whom the application is executed, or must be able to satisfy such officer as to his identity and the boni fides of the application.

5. *Native citizens.*—An application containing the information indicated by rule 4 will be sufficient evidence in the case of a native citizen; except that a person born in the United States in a place where births are recorded will be expected to submit a birth certificate with his application.

A person of the Chinese race, alleging birth in the United States, must obtain from the commissioner of immigration or Chinese inspector in charge at the port through which he proposes to leave the country a certificate upon his application, under the seal of such officer, showing that there has been granted to him by the latter a return certificate in accordance with rule 16 of the Chinese regulations of the Department of Labor. For this purpose special blank forms of application for passports are provided.

Passports issued by the Department of State or its diplomatic or consular representatives are intended for identification and protection in foreign countries, and not to facilitate entry into the United States, immigration being under the supervision of the Department of Labor.

6. *A person born abroad whose father was a native citizen of the United States.*—In addition to the statements required by rule 4, his application must show that his father was born in the United States, resided therein, and was a citizen at the time of the applicant's birth. The department may require that this affidavit be supported by that of one other citizen acquainted with the facts.

7. *Naturalized citizens.*—In addition to the statements required by rule 4, a naturalized citizen must transmit his certificate of naturalization, or a duly certified copy of the court record thereof, with his application. It will be returned to him after inspection. He must state in his affidavit when and from what port he emigrated to this country, what ship he sailed on, where he has lived since his arrival in the United States, when and before what court he was naturalized, and that he is the identical person described in the certificate of naturalization. The signature to the application should conform in orthography to the applicant's name as written in his certificate of naturalization, or an explanation of the difference should be submitted.

8. *Woman's application.*—If she is unmarried, in addition to the statements required by rule 4, she should state that she has never been married. If she is the wife or widow of a native citizen of the United States the fact should be made to appear in her application, which should be made according to the form prescribed for a native citizen, whether she was born in this country or abroad. If she is the wife or widow of a naturalized citizen, in addition to the statements required by rule 4, she must transmit for inspection her husband's certificate of naturalization or a certified copy of the court record thereof, must state that she is the wife (or widow) of the person described therein, and must set forth the facts of his birth, emigration, naturalization, and residence, as required in the rules governing the application of a naturalized citizen. She should sign her own Chris-

tian name with the family name of her husband: (Thus, Mary Doe; not Mrs. John Doe.)

A married woman's citizenship follows that of her husband. It is essential, therefore, that a woman's marital relations be indicated in her application for a passport, and that in the case of a married woman her husband's citizenship be established.

9. *The child of a naturalized citizen claiming citizenship through the naturalization of the parent.*—In addition to the statements required by rule 4 the applicant must state that he or she is the son or daughter, as the case may be, of the person described in the certificate of naturalization, which must be submitted for inspection, and must set forth the facts of emigration, naturalization, and residence as required in the rules governing the application of a naturalized citizen.

10. *A resident of an insular possession of the United States who owes allegiance to the United States.*—In addition to the statements required by rule 4 he must state that he owes allegiance to the United States, and that he does not acknowledge allegiance to any other Government, and must submit affidavits from at least two creditable witnesses having good means of knowledge in substantiation of his statements of birth, residence, and loyalty. No fee is required for the issuance by the department of an insular passport.

11. *Expiration and renewal of passport.*—A passport expires six months from the date of its issuance. A new one will be issued upon a new application, accompanied by the old passport, and, if the applicant be a naturalized citizen, the old passport will be accepted in lieu of a certificate of naturalization if the application upon which it was issued is found to contain sufficient information as to the naturalization of the applicant. Passport are not renewed by the department, but a person abroad holding a passport issued by the department may have it renewed for a period of six months upon presenting it to a diplomatic or principal consular officer of the United States when it is about to expire, with a sworn statement of the names of the countries which he expects to visit and the objects of his visits thereto. No passport shall be renewed more than twice.

12. *Wife, minor children, and servants.*—When the applicant is accompanied by his wife, minor children, and maidservant, who is a citizen of the United States, it will be sufficient to state the fact, giving their names in full, the dates and places of their births, and the allegiance of the servant, when one passport will suffice for all. For a manservant or any other person in the party a separate passport will be required. A woman's passport may include her minor children and maidservant under the above-named conditions.

(The term "maidservant" does not include a governess, tutor, pupil, companion, or person holding like relation to the applicant for a passport.)

13. *Titles.*—Professional and other titles will not be inserted in passports.

14. *Blank forms of application.*—They will be furnished by the department free of charge to persons who desire to apply for passports. Supplies of blank applications are also furnished by the department to clerks of courts.

15. *Address.*—Communications should be addressed to the Department of State, Bureau of Citizenship, and each communication should

give the post-office address of the person to whom the answer is to be directed.

16. *Additional regulation.*—The Secretary of State is authorized to make regulations on the subject of issuing and granting passports additional to these rules and not inconsistent with them.

To become effective February 1, 1915.

WOODROW WILSON.

THE WHITE HOUSE, *12 January, 1915.*

[Inclosure 2.]

NOTICE CONCERNING PASSPORTS AND REGISTRATION IN CONSULATES.

SIGNATURE OF PASSPORT.

The person to whom this passport is issued is hereby directed to affix his signature thereon, in the space designated, immediately upon its receipt.

VISA OF PASSPORT.

The department understands that it is necessary to have passports visaed for entry into the following countries, by diplomatic or consular officers thereof: Russia, Turkey, Italy, Germany, France, Austria-Hungary, Roumania, Servia, Bulgaria, and Egypt.

Passports of American citizens going to Russia should be visaed by a Russian consular officer, preferably in the United States, at San Francisco, Chicago, or New York City. One who desires to have the visa of his passport for Russia cover a period longer than three months should make a special request to that effect.

Passports to be used in Turkey should be visaed by a Turkish consular officer, either in the United States, at San Francisco, Chicago, Boston, or New York City, or at a Turkish consulate abroad.

Passports to be used in Italy should be visaed by an Italian consular officer, preferably in the United States.

Passports to be used in Germany should be visaed by a German diplomatic or consular officer, preferably in the United States. Wives and children entering Germany must bear individual passports.

Passports to be used in France should be visaed by a French diplomatic or consular officer, preferably in the United States.

Passports to be used in Austria-Hungary should be visaed by an Austro-Hungarian diplomatic or consular officer, preferably in the United States.

Passports to be used in Servia should be visaed by the Servian consul-general in New York City, or by a diplomatic or consular officer of Servia is some foreign country.

Passports to be used in Roumania should be visaed by a Roumanian diplomatic or consular officer in some foreign country, there being no diplomatic or consular officers of Roumania in the United States.

Passports to be used in Bulgaria should be visaed by the consul general of Bulgaria in New York City, or by a diplomatic or consular officer of Bulgaria in some foreign country.

Passports to be used in Egypt should be visaed by a British consular officer, preferably in the United States.

The department understands that it is advisable to have passports visaed by a consular officer of Denmark for use therein; and that it is advisable to have them visaed for use in Spain by the Spanish ambassador in Washington or a Spanish consul in New York City, New Orleans, or San Francisco.

The department is informed that persons entering British territory are required to bear passports, but that it is not necessary that they should be visaed.

American citizens who expect to visit countries of Europe other than those named above should inquire of diplomatic or consular officers thereof concerning the necessity or advisability of having their passports visaed.

The Department of State does not act as the intermediary in procuring visas. Application should be made by the holder of the passport directly to the diplomatic or consular officer. If possible it should be submitted several days before the date of sailing, especially in the case of a person going to Italy or France.

EXPIRATION AND RENEWAL OF PASSPORT.

A passport issued by the department is valid for six months only, but may be extended when about to expire by a diplomatic or principal consular officer of the United States. No passport shall be extended more than twice. A person sojourning abroad whose passport has finally expired, after having been twice renewed, should apply for a new passport through a diplomatic or consular office.

AMENDMENT OF PASSPORT.

When the holder of a passport finds it necessary, after leaving the United States, to visit a country or countries not named in the passport, he may have it amended by a diplomatic or consular officer of the United States.

REGISTRATION IN CONSULATES.

American citizens who expect to make a prolonged stay in any foreign country should apply for consular registration to the American consulate in that country at or nearest the place in which they are sojourning.

DEPARTMENT OF STATE,
Washington, September 7, 1915.

[Inclosure 3.]

NOTICE TO AMERICAN CITIZENS WHO CONTEMPLATE VISITING BELLIGERENT COUNTRIES.

All American citizens who go abroad should carry American passports, and should inquire of diplomatic or consular officers of the countries which they expect to visit concerning the necessity of having the passports visaed therefor.

American citizens are advised to avoid visiting unnecessarily countries which are at war, and particularly to avoid, if possible, passing

through or from a belligerent country to a country which is at war therewith.

It is especially important that naturalized American citizens refrain from visiting their countries of origin and countries which are at war therewith.

It is believed that governments of countries which are in a state of war do not welcome aliens who are traveling merely for curiosity or pleasure. Under the passport regulations prescribed by the President January 12, 1915, passports issued by this Government contain statements of the names of countries which the holders expect to visit and the objects of their visits thereto. The department does not deem it appropriate or advisable to issue passports to persons who contemplate visiting belligerent countries merely for "pleasure," "recreation," "touring," "sight-seeing," etc.

As belligerent countries are accustomed, for self-protection, to scrutinize carefully aliens who enter their territories, American citizens who find it necessary to visit such countries should, as a matter of precaution and in order to avoid detention, provide themselves with letters or other documents, in addition to their passports, showing definitely the objects of their visits. In particular it is advisable for persons who go to belligerent countries as representatives of commercial concerns to carry letters of identification or introduction from such concerns.

Naturalized American citizens who receive American passports are advised to carry their certificates of naturalization with them, as well as their passports.

American citizens sojourning in countries which are at war are warned to refrain from any conduct or utterances which might be considered offensive or contrary to the principles of strict neutrality.

ROBERT LANSING.

DEPARTMENT OF STATE,
Washington, October 4, 1915.

NOTE.—An application for a passport must be accompanied by duplicate unmounted photographs of the applicant, not larger than 3 by 3 inches in size, one affixed to the back of the application by the clerk of court before whom it is executed, with an impression of the seal of the court; the other to be affixed to the passport by the department.

[No. 399. General instruction. Consular.]

RESTORATION OF FEES FOR EMERGENCY PASSPORTS AND THE VISAING OF PASSPORTS.

The Secretary of State to the American diplomatic and consular officers.

DEPARTMENT OF STATE,
Washington, March 31, 1915.

GENTLEMEN: With reference to the department's general instruction No. 373 of December 26, 1914, entitled "Issuance of emergency passports and the visaing of passports," and previous telegraphic instructions authorizing the temporary waiver of fees in connection with the issuance of emergency passports and the visaing of pass-

ports, under the Executive order of August 14, 1914, I transmit an order of this day under which you are directed to resume collection of the fees mentioned. As a result of this order, paragraphs 159 and 160 of the Regulations and Instructions Prescribed for the Use of the Consular Service of the United States and the Instructions to the Diplomatic Officers of the United States, and sections 8, 9, and 32 of the tariff of United States consular fees, are restored to the form in which they stood prior to the changes made under the Executive order mentioned.

I am, etc.,

W. J. BRYAN.

[Inclosure.]

ORDER OF THE SECRETARY OF STATE CONCERNING RESTORATION OF FEES FOR ISSUANCE OF EMERGENCY PASSPORTS AND VISAING OF PASSPORTS.

Under special authorization of the President, contained in an Executive order (No. 2022) of August 14, 1914, concerning the temporary waiver of fees for issuance of emergency passports and visaing of passports, I hereby order that such waiver of fees be terminated, and that paragraphs 159 and 160 of the Regulations and Instructions Prescribed for the Use of the Consular Service of the United States and the Instructions to the Diplomatic Officers of the United States, and sections 8, 9, and 32 of the tariff of United States consular fees, be restored to the form in which they stood prior to the issuance of the Executive order mentioned. Therefore paragraphs 159 and 160 of the Regulations and Instructions Prescribed for the Use of the Consular Service of the United States and the Instructions to the Diplomatic Officers of the United States are hereby amended to read as follows:

159. *Fees.*—An official fee equivalent to one dollar in the gold coin of the United States must be collected for each passport issued.

160. *Visa.*—A diplomatic officer or a consular officer, including a consular agent, may visa or verify regularly issued passports by endorsing thereon the word "Good" in the language of the country and affixing to the endorsement his official signature and seal. A diplomatic officer should visa a passport only when there is no American consulate established in the city where the mission is situated, or when the consular officer is absent, or the Government of the country refuses to acknowledge the validity of the consular visa. Whenever a passport without signature is presented to be visaed the holder should be required to sign it before it is visaed by a diplomatic or consular officer. An official fee equivalent to one dollar in the gold coin of the United States should be collected for each passport visaed. No visa shall be attached to a passport after its validity has expired.

Sections 8, 9, and 32 of the tariff of United States consular fees are amended to read as follows:

8. Issuing a passport (Form No. 9) or extending a passport	$1.00
9. Visaing a passport (Form No. 10)	1.00
32. Administering oath and preparing passport application	1.00

This order shall become effective as to each diplomatic and consular office immediately upon receipt of actual notice from the Department of State.

W. J. BRYAN.

DEPARTMENT OF STATE,
Washington, March 31, 1915.

APPENDIX.

REVISED STATUTES.

SEC. 1992.

All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

SEC. 1993.

All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

SEC. 1994.

Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

SEC. 2172.

Children of persons who have been duly naturalized under any law of the United States, * * * being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof.

CITIZENSHIP ACT OF MARCH 2, 1907.

[PUBLIC—No. 193.]

AN ACT In reference to the expatriation of citizens and their protection abroad.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years a passport may be issued to him entitling him to the protection of the Government in any foreign country: *Provided*, That such passports shall not be valid for more than six months and

shall not be renewed, and that such passport shall not entitle the holder to the protection of the Government in the country of which he was a citizen prior to making such declaration of intention.

SEC. 2. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any other foreign state, it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years: *Provided, however*, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe: *And provided also*, That no American citizen shall be allowed to expatriate himself when this country is at war.

SEC. 3. That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

SEC. 4. That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continues to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation.

SEC. 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent: *Provided*, That such naturalization or resumption takes place during the minority of such child: *And provided further*, That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States.

SEC. 6. That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section nineteen hundred and ninety-three of the Revised Statutes of the United States and who continue to reside outside the United States, shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

SEC. 7. That duplicates of any evidence, registration, or other acts required by this act shall be filed with the Department of State for record.

Approved, March 2, 1907.

ENLISTMENT OF AMERICANS IN FOREIGN ARMIES.

The department has received a number of inquiries from people in the United States asking whether enlistment in a foreign army by a citizen of the United States is evidence that he has expatriated himself and whether it is a breach of his duty as a citizen of the United States to enlist in a foreign army.

The law relative to expatriation (sec. 2, act of Mar. 2, 1907) says:

> That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign State in conformity with its laws, or when he has taken an oath of allegiance to any foreign State.

Therefore, when service in a foreign army involves taking an oath of allegiance to a foreign State, an American citizen who enters such service must be deemed to have expatriated himself.

Service in some foreign armies and in some branches of some foreign armies does not require an oath of allegiance to a foreign State. On the other hand, an oath of allegiance is required as a condition of service in other foreign armies. The department can not give authentic information on the subject of the foreign requirements in this respect, because of their variation and because they are subject to changes.

The department does not undertake to prescribe the duty of an individual with reference to his citizenship. It is of opinion, nevertheless, that the observance of neutrality in the conflict now engaging certain European powers requires American citizens to avoid participation in those conflicts.

DEPARTMENT OF STATE,
Washington, November 1, 1915.

LIABILITY FOR MILITARY SERVICE IN FOREIGN COUNTRIES OF PERSONS RESIDING IN THE UNITED STATES.

The Department of State has recently received numerous inquiries from foreign-born persons residing in this country as to whether they may be compelled to perform military service in their native lands and as to what penalties, by way of fines, confiscation of property, or imprisonment in case of return, they will incur if they fail to report to the authorities of their countries of origin for military service. Some of the inquiries refer to persons who have obtained naturalization as citizens of the United States, others to persons who have made declarations of intention to become American citizens, and still others to persons who have taken no steps toward acquiring American citizenship. Misconception and confusion concerning this matter appear to be current.

The United States is not a party to any treaties under which persons of foreign origin residing in this country may be compelled to return to their countries of origin for military service, nor is there any way in which persons may be forced into foreign armies against their will so long as they remain in the United States.

The department can not undertake to give authentic, official information either, in general, as to the requirements of the military service laws of foreign countries and the penalties provided therein for evasion of military service, or, in particular, as to the status anc present or future liabilities of individuals under such laws. Information of this kind must be obtained from officials of the foreign countries concerned.

The department issues printed circulars concerning the status in their native lands of naturalized citizens of the United States, natives of certain European countries, and these will be furnished to interested persons upon request. It is specifically stated in these circulars that the information contained in them is not to be considered as official so far as it relates to the laws and regulations of foreign countries.

The United States has concluded treaties of naturalization with the following European countries: Austria-Hungary, Belgium, Denmark, the German States, Great Britain, Norway, Sweden, and Portugal. Copies of these treaties are to be found in "Treaties, Conventions, etc., between the United States of America and Other Powers" (Government Printing Office, 1910), and separate copies may be furnished by the department upon request. Under these treaties the naturalization of persons concerned as citizens of the United States and the termination of their former allegiance are recognized, with the reservation, in most of them, that such persons remain liable to trial and punishment in their native lands for offenses committed prior to emigration therefrom, including offenses of evasion of military duty. The United States holds that no naturalized citizen of this country can rightfully be held to account for military liability to his native land accruing subsequent to emigration therefrom, but this principle may be contested by countries with which the United States has not entered into treaties of naturalization. The latter countries may hold that naturalization of their citizens or subjects as citizens of other countries has no effect upon their original military obligation, or may deny the right of their citizens or subjects to become naturalized as citizens of other countries, in the absence of express consent or without the fulfillment of military obligations. More specific information as to the department's understanding of the laws of these countries concerning nationality and military obligations may be found in the department's circulars mentioned above.

It is important to observe that an alien who declares his intention to become a citizen of the United States does not, at the time of making such declaration, renounce allegiance to his original sovereign, but merely declares that he intends to do so. Such person does not, by his declaration of intention, acquire the status of a citizen of the United States.

W. J. BRYAN.

DEPARTMENT OF STATE,
Washington, August 14, 1914.

NOTICE ISSUED TO AMERICAN CITIZENS FORMERLY CITIZENS OR SUBJECTS OF THE FOLLOWING-NAMED COUNTRIES WHO CONTEMPLATE RETURNING TO THE COUNTRY OF THEIR ORIGIN.

The information given below is believed to be correct, yet is not to be considered as official so far as it relates to the laws and regulations of foreign countries.

AUSTRIA-HUNGARY.

Liability to perform military service in Austria and in Hungary arises on January 1 of the calendar year in which an Austrian or Hungarian reaches his twenty-first year and ceases on the 31st of December of the year in which he ends his thirty-first year.

Under the terms of the treaty between the United States and Austria-Hungary a former subject of Austria or Hungary who has resided in this county five years and has been naturalized as a citizen of the United States is treated upon his return as a citizen of the United States. If he violated any criminal law of his original country before the date of emigration, he remains liable to trial and punishment, unless the right to punish has been lost by lapse of time as provided by law. A naturalized American citizen formerly a subject of Austria or Hungary may be arrested and punished under the military laws only in the following cases: (1) If he was accepted and enrolled as a recruit in the army before the date of emigration, although he had not been put in service; (2) if he was a soldier when he emigrated, either in active service or on leave of absence; (3) if he was summoned by notice or by proclamation before his emigration to serve in the reserve or militia and failed to obey the call; (4) if he emigrated after war had broken out.

A naturalized American citizen of Austrian or Hungarian origin on arriving in his original country should at once show his passport to the American consul, or at least to the local authorities, and if, on inquiry, it is found that his name is on the military rolls he should request that it be struck off, calling attention to the naturalization treaty between this country and Austra-Hungary published in 1871.

The laws of Austria-Hungary require every stranger to produce a passport on entering.

A native of Austria or Hungary will probably experience difficulty in establishing his status if he returns to his original country bearing an American naturalization certificate and passport issued in a name different from his original name. Such a person, if his name has been changed by order of a court, should take with him a properly authenticated copy of the order of the court; if the change of name was not legally made, he should obtain from the court in which he was naturalized a new certificate of naturalization in his lawful name, and his passport application should agree therewith.

Attention is called to the following provisions of the second section of the expatriation act of March 2, 1907.[1]

American citizens in Austria-Hungary should apply for registration in the nearest American consulates.

DEPARTMENT OF STATE,
Washington, August 2, 1915.

[1] Supra, p. 61.

BELGIUM.

Every male Belgian must register, during the calendar year in which he reaches the age of 19 years, for the raising of the military contingent for the following year.

Under the terms of the convention between the United States and Belgium a Belgian naturalized as a citizen of the United States is considered by Belgium as a citizen of the United States but upon return to Belgium he may be prosecuted for a crime or misdemeanor committed before naturalization, saving such limitations as are established by the laws of Belgium.

A naturalized American formerly a Belgian who has resided five years in this country can not be held to military service in Belgium, or to incidental obligation resulting therefrom in the event of his return, except in cases of desertion from organized or embodied military or naval service.

Attention is called to the second section of the expatriation act of March 2, 1907, which provides as follows:[1]

American citizens in Belgium should apply for registration in the nearest American consulates.

DEPARTMENT OF STATE,
Washington, August 2, 1915.

BULGARIA.

The Bulgarian Government does not recognize a change of nationality on the part of a former Bulgarian, unless he has complied with all his military obligations or has obtained permission from the Bulgarian Government. American citizens of Bulgarian origin are advised, therefore, to find out before they return what their status will be. They should seek information directly from the Bulgarian authorities, and this department can not act as intermediary.

There is no treaty on the subject of naturalization between this Government and Bulgaria.

Passports are required in Bulgaria and should be viséed by a Bulgarian diplomatic or consular officer if possible. Unless the passport bears such visé the holder is liable to be stopped at the Bulgarian frontier. There is no diplomatic or consular officer of Bulgaria in this country, and applications for visé must be made in some foreign country.

DEPARTMENT OF STATE,
Washington, January 20, 1910.

DENMARK.

Military service becomes compulsory to a subject of Denmark during the calendar year in which he reaches the age of 20 years.

In November or December of the year in which he becomes 17 years old he is expected to report for enrollment on the conscription lists.

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[1] Supra, p. 61.

If he neglects to do so he may be fined from 4 to 40 kroner; but if his neglect arises from a design to evade service he may be imprisoned.

In case he fails to appear when the law requires that he be assigned to military duty, he is liable to imprisonment.

When one whose name has been, or should have been, entered on the conscription lists emigrates without reporting his intended departure to the local authorities, he is liable to a fine of from 10 to 100 kroner.

A person above the age of 20 years entered for military service must obtain a permit from the minister of justice to emigrate. Noncompliance with this regulation is punishable by a fine of from 20 to 200 kroner.

The treaty of naturalization between the United States and Denmark provides that a former subject of Denmark, naturalized in the United States, shall, upon his return to Denmark, be treated as a citizen of the United States; but he is not thereby exempted from penalties for offenses committed against Danish law before his emigration. If he renews his residence in Denmark with intent to remain, he is held to have renounced his American citizenship.

A naturalized American, formerly a Danish subject, is not liable to perform military service on his return to Denmark, unless at the time of emigration he was in the army and deserted, or, being 20 years old at least, had been enrolled for duty and notified to report and failed to do so. He is not liable for service which he was not actually called upon to perform.

Attention is called to the following provisions of the second section of the expatriation act of March 2, 1907.[1]

American citizens in Denmark should apply for registration in the nearest American consulates.

DEPARTMENT OF STATE,
Washington, August 2, 1915.

FRANCE.

All Frenchmen who are not declared physically unfit or excused may be called upon for military duty between the ages of 20 and 50 years. They are obliged to serve 3 years in the active army, 11 in the reserve of the active army, 7 in the territorial army, and 7 in the reserve of the territorial army.

If released from all military obligations in France, or if the authorization of the French Government was obtained beforehand, naturalization of a former French citizen in the United States is accepted by the French Government; but a Frenchman naturalized abroad without the consent of his Government, and who at the time of his naturalization was still subject to military service in the active army or in the reserve of the active army, is held to be amenable to the French military laws. Not having responded to the notice calling him to accomplish his military service, he is placed on the list of those charged with noncompliance with the military laws; and if he returns

[1] Supra, p. 61.

to France, he is liable to arrest and trial and upon conviction is turned over to the army, active, reserve, or territorial, according to his age. Long absence from France and old age do not prevent this action.

A Frenchman naturalized abroad, after having passed the age of service in the active army and the reserve, nevertheless continues on the military list until he has had his name struck from the rolls, which may usually be done by his sending his naturalization certificate through the United States embassy to the proper French authorities.

The French Government rarely gives consent to a Frenchman of military age to throw off his allegiance. Application on the subject may, however, be addressed to the minister of justice at Paris, accompanied by a full statement of the particulars and a fee of 675 francs. If the request is granted, the name of the person concerned is erased from the military list, and he may return to France safely.

There is no treaty between the United States and France defining the status of former French citizens who have become naturalized American citizens.

Attention is called to the following provisions of the second section of the expatriation act of March 2, 1907.[1]

American citizens in France should apply for registration in the nearest American consulates.

DEPARTMENT OF STATE,
Washington, August 2, 1915.

GERMANY.

A German subject is liable to military service from the time he has completed the seventeenth year of his age until his forty-fifth year, active service lasting from the beginning of his twentieth year to the end of his thirty-sixth year.

A German who emigrates before he is 17 years old, or before he has been actually called upon to appear before the military authorities, may, after a residence in the United States of five years and after due naturalization, return to Germany on a *visit*, but his right to *remain* in his former home is denied by Germany, and he may be expelled, after a brief sojourn, on the ground that he left Germany merely to evade military service. It is not safe for a person who has once been expelled to return to Germany without having obtained permission to do so in advance. A person who has completed his military service and has reached his thirty-first year and become an American citizen may safely return to Germany.

The treaties between the United States and the German States provide that German subjects who have become citizens of the United States shall be recognized as such upon their return to Germany if they resided in the United States five years. But a naturalized American of German birth is liable to trial and punishment upon return to Germany for an offense against German law committed before emigration, saving always the limitations of the laws of Germany. If he emigrated after he was enrolled as a recruit in the standing army; if he emigrated while in service or while on leave

[1] Supra, p. 61.

of absence for a limited time; if, having an unlimited leave or being in the reserve, he emigrated after receiving a call into service or after a public proclamation requiring his appearance, or after war broke out, he is liable to trial and punishment on return.

Alsace-Lorraine having become a part of Germany since our naturalization treaties with the other German States were negotiated, American citizens, natives of that province, under existing circumstances, may be subjected to inconvenience and possible detention by the German authorities if they return without having sought and obtained permission to do so from the imperial governor at Strassburg.

The authorities of Wurttemberg require that the evidence of the American citizenship of a former subject of Wurttemberg which is furnished by a passport shall be supplemented by a duly authenticated certificate showing five years' residence in the United States in order that fulfillment of the treaty condition of five years' residence may appear separately as a fact of record.

A former German subject against whom there is an outstanding sentence for an offense against German law may petition the sovereign of his native State for relief, although the department can not act as an intermediary in presenting such petition; and anyone who wishes to return to his native State in Germany may avoid possible annoyance or arrest if, in advance of his going, he will submit to the authorities of his former home an authenticated copy of his certificate of naturalization, with the request that his American citizenship be recognized and his paper returned to him.

Travelers are not required to show passports on entering or leaving Germany, but they are likely to be called upon to establish their identity and citizenship at any time, and especially so if living in boarding houses or rented apartments. They are consequently recommended to provide themselves with passports. They do not usually require to be visaed or endorsed, but the local authorities sometimes demand a German translation.

Attention is called to the following provisions of the second section of the expatriation act of March 2, 1907.[1]

American citizens in Germany should apply for registration in the nearest American consulates.

DEPARTMENT OF STATE,
Washington, March 29, 1912.

GREECE.

The Greek Government does not, as a general statement, recognize a change of nationality on the part of a former Greek without the consent of the King, and a former Greek who has not completed his military service and who is not exempt therefrom under the military code may be arrested upon his return to Greece. The practice of the Greek Government is not, however, uniform, but American citizens of Greek origin are advised to find out before returning what status they may expect to enjoy. Information should be sought

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[1] Supra, p. 61.

directly from the Greek Government, and this department always refuses to act as intermediary in seeking the information.

There is no treaty on the subject of naturalized citizens between the United States and Greece.

DEPARTMENT OF STATE,
Washington, August 2, 1915.

ITALY.

Italian subjects are liable for service in the active army between the ages of 16 and 32 years. Relief from the performance of military service may be granted in the case of an only son; or where two brothers are so nearly of the same age that both would be serving at the same time, in which event only one is drafted; or where there are two sons of a widow, when only one is taken. When the elder of two brothers desires to have the younger substituted for him he must submit a formal application confirmed by the younger.

Naturalization of an Italian subject in a foreign country without consent of the Italian Government is no bar to liability to military service.

A former Italian subject may visit Italy without fear of molestation when he is under the age of 16 years; but between the ages of 16 and 32 he is liable to arrest and forced military service if he has not previously reported for such service. A former Italian subject who returns to Italy after the age of 32 is liable for service only in the territorial reserve army. However, his exemption from punishment for past failure to appear is contingent upon his having complied with certain formalities which may be performed at an Italian embassy or consulate.

A petition for pardon of the offense of desertion or evasion of military service should be sent to the Italian Government directly, as this department does not act as the intermediary in presenting such a petition.

There is no treaty between the United States and Italy defining the status of former Italian subjects who have become American citizens.

Attention is called to the following provisions of the second section of the expatriation act of March 2, 1907.[1]

American citizens in Italy should apply for registration in the nearest American consulates.

DEPARTMENT OF STATE,
Washington, August 2, 1915.

THE NETHERLANDS.

A subject of the Netherlands is liable to military service from his nineteenth to his fortieth year. He must register to take part in the drawing of lots for military service between January 1 and August 31 of the calendar year in which he reaches the age of 19. He

[1] Supra, p. 61.

is exempt, however, from service if he is an only son or is physically disabled; and in the case of a family half of the brothers are exempt, or the majority if the number is uneven.

No military service is required of one who became a citizen of the United States before the calendar year in which he became 19 years of age, and a Netherlands subject who becomes a citizen of the United States when he is 19 and between January 1 and August 31 may have his name removed from the register by applying to the Queen's commissioner of the Province in which he was registered. If he does not have his name removed from the register, or if he becomes a citizen of the United States after the register is closed (Aug. 31), and his name is drawn for enlistment, his naturalization does not affect his military obligations to the Netherlands, and if he returns he is liable (1) to be treated as a deserter, if he did not respond to the summons for service, or (2) to be enlisted if he is under 40.

Former Netherlands subjects are advised to ascertain by inquiry from the Netherlands authorities what status they may expect to enjoy if they return to the Netherlands. This department, however, uniformly declines to act as the intermediary in the inquiry.

Attention is called to the following provisions of the second section of the expatriation act of March 2, 1907.[1]

American citizens in the Netherlands should apply for registration in the nearest American consulates.

DEPARTMENT OF STATE,
Washington, August 2, 1915.

NORWAY.

Subjects of Norway are liable to performance of military duty in and after the calendar year in which they reach their twenty-second year.

Under the treaty between the United States and Sweden and Norway, a naturalized citizen of the United States formerly a subject of Norway is recognized as an American citizen upon his return to the country of his origin. He is liable, however, to punishment for an offense against the laws of Norway committed before his emigration, saving always the limitations and remissions established by those laws. Emigration itself is not an offense, but nonfulfillment of military duty and desertion from a military force or ship are offenses.

A naturalized American who performed his military service or emigrated when he was not liable to it and who infracted no laws before emigrating may safely return to Norway.

He must, however, report to the conscription officers, and, on receiving a summons, present himself at the meetings of the conscripts in order to prove his American citizenship.

If he has remained as long as two years in Norway, he is obliged, without being summoned, to present himself for enrollment at the first session, since he is then deemed by Norway to have renounced his American citizenship.

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[1] Supra, p. 61.

If he renews his residence in the kingdom without intent to return to America, he is held to have renounced his American citizenship.

Attention is called to the following provisions of the second section of the expatriation act of March 2, 1907.[1]

American citizens in Norway should apply for registration in the nearest American consulates.

DEPARTMENT OF STATE,
Washington, August 2, 1915.

PERSIA.

Permission to be naturalized in a foreign country is not granted by the Persian Government to a Persian subject if he is under charge for a crime committed in Persia, or is a fugitive from justice, or a deserter from the Persian Army, or is in debt in Persia, or fled to avoid pecuniary obligations.

If a Persian subject becomes a citizen of another country without the permission of the Persian Government, he is forbidden to reenter Persian territory, and if he had any property in Persia, he is ordered to sell or dispose of it.

There is no treaty between the United States and Persia defining the status of former Persian subjects who have become naturalized American citizens.

Passports are usually required of foreigners desiring to enter Persia, and they should, if possible, bear the visa or indorsement of a Persian consular officer.

Attention is called to the following provisions of the second section of the expatriation act of March 2, 1907.[1]

American citizens in Persia should apply for registration in the nearest American consulates.

DEPARTMENT OF STATE,
Washington, May 19, 1914.

PORTUGAL.

All physically able male Portuguese citizens are liable to military service from their twentieth until their thirty-fifth year, active service lasting three years, first reserve five, and second reserve seven years.

Enrollment as a recruit takes place in the January of the twentieth year of the citizen, who must appear for military service in the following November. Failure to do so is considered refractoriness, and the citizen must pay a fine of 300 milreis (if the citizen has property of that value it is seized), or, if apprehended, must serve a longer time in the active army. A Portuguese citizen may, however, be at once drafted into the second reserve by the payment of 150 milreis for a substitute.

The treaty of naturalization in force between the United States and Portugal provides that Portuguese citizens who have become

[1] Supra, p. 61.

citizens of the United States shall be recognized as such upon their return to Portuguese dominions if they resided in the United States five years. But a naturalized American of Portuguese birth is liable to trial and punishment upon return to Portuguese dominions for an offense against Portuguese laws committed before the emigration, but not for the emigration itself, saving always the limitations of the laws of Portugal. If he emigrated after he was enrolled as a recruit, either in the active or reserve army, he must pay a fine of 300 milreis (if he has property to that amount it is seized), or, if apprehended in Portuguese dominions, he is subject to a long period of service in the active army.

Attention is called to the following provisions of the second section of the expatriation act of March 2, 1907.[1]

American citizens in Portugal should apply for registration in the nearest American consulates.

DEPARTMENT OF STATE,
Washington, August 2, 1915.

ROUMANIA.

All male inhabitants of Roumania except those under foreign protection are liable to military duty between the ages of 19 and 47 years.

American citizens formerly Roumanian subjects are not molested upon their return to Roumania unless they infringed Roumanian law before emigrating.

There is no treaty between the United States and Roumania defining the status of naturalized Americans of Roumanian birth returning to Roumania.

Passports are absolutely necessary in Roumania and must be viséed by a Roumanian consul. If they are not so viséed the holder may be sent back from the frontier to the nearest place where there is a Roumanian consul.

An American who intends to remain in Roumania for a longer period than eight days must have his passport viséed by the American consul general at Bucharest and obtain a permit of residence, valid for one year, from the prefecture of police.

Attention is called to the following provisions of the second section of the expatriation act of March 2, 1907.[1]

American citizens in Roumania should apply for registration in the American consulate general at Bucharest.

DEPARTMENT OF STATE,
Washington, December 18, 1913.

RUSSIA.

Under Russian law a Russian subject who becomes a citizen of another country without the consent of the Russian Government is deemed to have committed an offense for which he is liable to arrest

[1] Supra, p. 61.

and punishment if he returns without previously obtaining the permission of the Russian Government.

This Government dissents from this provision of Russian law, but an American citizen formerly a subject of Russia who returns to that country places himself within the jurisdiction of Russian law.

The Department of State holds that a naturalized American citizen of Russian origin who returns to his native country as a Russian subject, concealing the fact of his naturalization in order to evade Russian law, thereby so far relinquishes the rights conferred upon him by his American naturalization as to absolve this Government from the obligation to protect him as a citizen while he remains in his native land.

No one is admitted to Russia unless his passport has been viséed, or indorsed, by a Russian diplomatic or consular representative.

Attention is called to the following provisions of the second section of the expatriation act of March 2, 1907.[1]

American citizens in Russia should apply for registration in the nearest American consulates.

DEPARTMENT OF STATE,
Washington, January 9, 1914.

SERVIA.

Ordinarily all subjects of Servia are expected to perform at least two years' military service after they attain manhood.

If a subject of Servia emigrates before he has fulfilled his military obligations, the Servian Government does not recognize a change of nationality made without the consent of the King, and upon his return he may be subject to molestation.

If, however, he performed his military service before emigration his acquisition of naturalization in the United States is recognized by the Servian Government.

There is no treaty between the United States and Servia defining the status of naturalized Americans of Servian birth returning to Servia.

DEPARTMENT OF STATE,
Washington, August 2, 1915.

SWEDEN.

Subjects of Sweden are liable to performance of military duty in and after the calendar year in which they reach their 21st year.

Under the treaty between the United States and Sweden and Norway a naturalized citizen of the United States, formerly a subject of Sweden, is recognized as an American citizen upon his return to the country of his origin. He is liable, however, to punishment for an offense against the laws of Sweden committed before his emigration, saving always the limitations and remissions established by

[1] Supra, p. 61.

those laws. Emigration itself is not an offense, but nonfulfillment of military duty and desertion from a military force or ship are offenses.

A naturalized American who performed his military service or emigrated when he was not liable to it and who infracted no laws before emigrating may safely return to Sweden.

If he renews his residence in the Kingdom without intent to return to America, he is held to have renounced his American citizenship, and he will be liable to perform military duty.

Attention is called to the following provisions of the second section of the expatriation act of March 2, 1907.[1]

American citizens in Sweden should apply for registration in the nearest American consulates.

DEPARTMENT OF STATE,
Washington, August 2, 1915.

SWITZERLAND.

Every Swiss citizen is liable, under Swiss law, to military service from the beginning of the year in which he becomes 20 years of age until the end of the year when he becomes 44. Every Swiss of military age who does not perform military service is subject to an annual tax, whether he resides in the Confederation or not, or to punishment for nonpayment of the tax if he returns to Switzerland.

If a Swiss citizen renounces Swiss allegiance in the manner prescribed by the Swiss law of June 25, 1903, and his renunciation is accepted, his naturalization in another country is recognized, but without such acceptance it is not recognized, and is held to descend from generation to generation.

Before he returns to Switzerland an American citizen of Swiss origin should file with the cantonal authorities his written declaration of renunciation of his rights to communal, cantonal, and in general Swiss citizenship, with documents showing that he has obtained foreign citizenship for himself, wife, and minor children, and receive the sealed document of release from Swiss citizenship through the direction of justice of the canton of his origin. If he neglects this and is within the ages when military service may be required, he is liable to military tax or to arrest and punishment in case of nonpayment of the tax.

There is no treaty between the United States and Switzerland defining the status of former Swiss citizens who have become naturalized as American citizens.

Attention is called to the following provisions of the second section of the expatriation act of March 2, 1907.[1]

American citizens in Switzerland should apply for registration in the nearest American consulates.

DEPARTMENT OF STATE,
Washington, August 2, 1915.

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[1] Supra, p. 61.

TURKEY.

The laws of Turkey forbid the naturalization of Turkish subjects without the consent of the Turkish Government, and one who has thus obtained naturalization after the year 1869 is forbidden by Turkish law to return to Turkish territory, under penalty of arrest and imprisonment or expulsion.

The Department of State holds that a naturalized American citizen of Turkish origin who returns to his native country as an Ottoman subject, concealing the fact of his naturalization in order to evade the Ottoman law mentioned, thereby so far relinquishes the rights conferred upon him by his American naturalization as to absolve this Government from the obligation to protect him as a citizen while he remains in his native land.

The laws and regulations of Turkey relative to the acquisition of citizenship in other countries are dissented from by this Government, but, in the absence of a treaty of naturalization with Turkey, the department can not assure former Turkish subjects that they will be permitted to enter and reside in Turkey as American citizens.

Passports properly viséed by a Turkish consular officer are required by Ottoman law of every person who enters Turkish dominions, except Egypt.

Attention is called to the following provisions of the second section of the expatriation act of March 2, 1907.[1]

American citizens in Turkey should apply for registration in the nearest American consulates.

DEPARTMENT OF STATE,
Washington, February 29, 1912.

STATUS OF PERSONS BORN IN THE UNITED STATES OF ALIEN OR OF NATURALIZED PARENTS.

The Secretary of State to the Hon. Henry Cabot Lodge.

DEPARTMENT OF STATE,
Washington, June 9, 1915.

MY DEAR SENATOR LODGE: I have received your letter of June 5, 1915, in reply to my letter of June 2, concerning the detention in Italy for military service of Ugo da Prato, who was born in Boston August 25, 1895, and went to Italy in 1912 to study architecture, and whose father, Antonio da Prato, a native of Italy, obtained naturalization as a citizen of this country in the district court of the United States at Boston March 19, 1892—that is, before the son's birth. Accompanying your letter are the birth certificate of Ugo da Prato and the naturalization certificate of his father.

The department has telegraphed to the American ambassador at Rome, directing him to call the attention of the Italian Government to the facts mentioned above, ask for the immediate release of Ugo da Prato, and report the result. As Ugo da Prato was born in this country after his father had obtained naturalization as a citizen of

[1] Supra, p. 61.

the United States, it does not appear that he can be considered an Italian subject under Italian law, and I have no doubt that he will be released. I shall be glad to inform you of the ambassador's report.

In the department's letter of June 2 you were asked to forward not only the birth certificate of Ugo da Prato, but the naturalization certificate of his father, and in this connection the following statement was made:

> The department is being called upon to take action in a good many cases similar to that of Ugo da Prato. The Italian law concerning naturalization of Italians in foreign countries is peculiar. Article 11 of the Italian civil code contains the following provision:
>
> "ART. 11. Citizenship is lost by the following persons:
>
> "1. * * *
>
> "2. He who has acquired citizenship in a foreign country."
>
> Article 12, however, reads as follows:
>
> "ART. 12. The loss of citizenship in the cases mentioned in the foregoing article does not work exemption from the obligations of the military service, nor from the penalties imposed on those who bear arms against their country."
>
> Under the provisions of law mentioned the Italian Government recognizes the naturalization of Italians as citizens of other countries, but holds them liable for military service in Italy unless they have been expressly excused therefrom. In view of article 11, persons born in this country of fathers naturalized before their births are not considered Italian subjects or held liable for military service in Italy. It is very important that in each case of this kind the department should be furnished with the best documentary evidence procurable of the naturalization of the father and the subsequent birth in this country of the son, so that necessary assurances may be given to the Italian Government.

In your letter under acknowledgment you make the following observations:

> I note what you say in regard to the Italian law, which obviously does not apply to young Da Prato, but, speaking generally, I can not assent for a moment to the proposition that such a thing as dual citizenship is possible. As you well know, we constituted ourselves as champions against the doctrine of indefeasible allegiance and have succeeded in compelling the acceptance of our view by all the nations with the exception, I think, of Russia and Turkey. The abandonment of indefeasible allegiance is in itself the establishment of the principle that there can be no such thing as dual citizenship, either in whole or in part, and to attempt to retain the right over a boy born in this country of parents not naturalized—which is not the case with Da Prato—for military service in the country of origin of the parents is absurd on its face and is something to which we should never assent for a moment.

After making some observations concerning the provision of the German law of nationality of June 1, 1914, according to which Germans who obtain naturalization as citizens of other countries may, under certain conditions, retain their German nationality, and after observing that any alien who endeavors to retain his original allegiance when he takes an oath of allegiance to the United States and becomes naturalized as a citizen of this country commits perjury, you say:

> Italy * * * has no possible claim on the children of Italian parents, not naturalized, born in this country, especially if they have exercised all the rights of citizenship as they are entitled to do under the fourteenth amendment to the Constitution. Such a child has never been an Italian subject for one minute. Italy has no more claim on him than she has on one of my children or one of yours. I believe that there is also something similar to this in French law. We shall find ourselves in a very awkward position with our large body of naturalized citizens and their children if we do not take the strongest position against article 12 of the Italian Civil Code which you quote.

The argument contained in your letter is similar to that in an article which appeared in the June number of the Metropolitan Magazine, in reference to the department's letter of April 2 to Mr. P. A. Le Long, jr., of Louisiana, concerning his citizenship. In the department's letter to Mr. Le Long his attention was called to the fact that, although having been born in this country, he was an American citizen under American law, it appeared that he was also born a French citizen under French law, because of the fact that his father was a French citizen. The department therefore observed that he appeared to have been born with "a dual nationality."

As this general subject has been the cause of considerable comment I venture to discuss the matter at some length.

Dual nationality is not a theory or doctrine promulgated by the department, but is the unavoidable result of the conflicting laws of different countries. Under the American law of nationality, which is derived from the English law, American nationality is based primarily upon the fact of birth within American territory and jurisdiction, under what is known as the *jus soli*, whereas in the countries of continental Europe nationality is acquired primarily through descent, under the *jus sanguinis*. This follows naturally from the basis of jurisdiction which in the common law is the *locus* and in the civil law the *persona*. The Revised Statutes of the United States, however, contain the following provision in section 1993 (act of Feb. 10, 1855):

> All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

A provision substantially similar to the above was added to the original British law of nationality. Also the laws of some, although not all, countries of continental Europe contain provisions under which nationality is acquired, under certain conditions, through birth within their territory. The status of a person who is born a citizen of one country under the *jus soli* and a citizen of another country under the *jus sanguinis* is commonly termed "dual nationality." Whether or not this term is considered apt, the fact remains that many persons are born citizens or subjects of two countries under their respective laws. Thus a person born in Italy of American parents is born a citizen of the United States, provided his father has resided in this country, but, under certain conditions, he may also be considered an Italian subject. Also, a person born in the United States of Italian parents is born a citizen of the United States under the law of this country and a subject of Italy under the law of Italy.

The fact of dual nationality has been recognized by the department for many years. Secretary of State Fish, in a report to the President dated August 25, 1875, said:

> The child born of alien parents in the United States is held to be a citizen thereof and to be subject to duties with regard to this country which do not attach to the father.
>
> The same principle on which such children are held by us to be citizens of the United States, and to be subject to duties to this country, applies to the children of American fathers born without the jurisdiction of the United States,

and entitles the country within whose jurisdiction they are born to claim them as citizens and to subject them to duties to it.

Such children are born to a double character: The citizenship of the father is that of the child so far as the laws of the country of which the father is a citizen are concerned and within the jurisdiction of that country, but the child, from the circumstances of his birth, may acquire rights and owes another fealty besides that which attaches to the father. (Moore's International Law Digest, Volume III, p. 520.)

I desire to call your attention to the following statement in the report of the citizenship board which was appointed during the administration of President Roosevelt "to inquire into the laws and practice regarding citizenship of the United States, expatriation, and protection abroad, and to report recommendations for legislation to be laid before Congress," which report was forwarded to the Speaker of the House of Representatives by Secretary of State Elihu Root, with a letter of approval and commendation, dated December 18, 1906:

Inasmuch as our Government declares that all persons born in the United States are citizens of the United States, and also recognizes, as well as adopts, on its own part, the rule that children of citizens resident abroad are citizens of the country to which the parents owe allegiance, there arises, as will be seen, a conflict of citizenship, spoken of usually as dual allegiance. (House Document No. 326, 59th Congress, 2d session, p. 74.)

A full discussion of the subject of dual allegiance may be found in Moore's Digest of International Law, Volume III, pages 518–551.

For the reasons mentioned above it is obviously important for the department, in dealing with the case of a person who was born in this country and had a father of Italian birth, to ascertain whether his father had previously acquired naturalization as a citizen of the United States. This is especially important when it is a case such as that which you have presented—of a person who has not yet reached his majority. The extent to which this Government may go and the arguments which it may use in the actual protection of persons who were born in the United States of alien fathers and who may be molested while temporarily visiting the countries of origin of the latter must necessarily depend upon the particular facts and circumstances of each case. In no case, in the absence of conventional arrangements, can the department assure such persons in advance that they will not be held liable, under the laws of other countries concerned, for the performance of military or other public service attaching to citizenship. In the department's letter of May 5 to Mr. P. A. Le Long, jr., the following statement was made:

If at any time in the future you should find it necessary to visit France and should there be molested upon the ground that you are a French citizen, you should inform a diplomatic or consular officer of the United States, who would report the matter to the department in order that it might take such measures in your behalf as would seem warranted by the peculiar facts and circumstances of your case.

The department, having advised American citizens generally "to avoid visiting unnecessarily countries which are at war," did not encourage Mr. Le Long to choose the present time to make an unnecessary test of his political position in France.

The cases of persons born in the United States of alien parents should not be confused with the cases of persons born abroad who have obtained naturalization as citizens of this country. In the

former cases the department recognizes now, as it always has heretofore, that the persons concerned are born with a dual nationality. In the latter cases the department does not recognize the existence of dual nationality in view of the fact that persons who obtain naturalization as citizens of this country are required to renounce their original allegiance.

While this Government holds that naturalized American citizens can not rightfully be called upon to perform military or other obligations which had not actually accrued before their emigration, the department has always deemed it advisable to call the attention of naturalized Italians to the position in which they will be placed in case they voluntarily return to Italy. During and since the administration of President Roosevelt the Department of State has accordingly issued a circular warning them to this effect, entitled: "Notice to American citizens formerly subjects of Italy who contemplate returning to that country," which contains the following statement:

> Naturalization of an Italian subject in a foreign country without consent of the Italian Government is no bar to liability to military service.

Similar circulars have been issued during and since the administration of President Roosevelt calling attention to the status in their native lands of naturalized citizens of the United States born in France and other European countries. In the circular concerning naturalized Germans attention is called to the fact that naturalization of such persons in this country is recognized by the German Government under the treaties concluded with the German States in 1868, commonly known as the "Bancroft treaties." In this connection I may say that the United States has concluded naturalization treaties with the following countries of Europe besides Germany: Austria-Hungary, Belgium, Denmark, Great Britain, Norway, Sweden, and Portugal.

With reference to your remarks concerning the status of Germans who acquire naturalization in this country, and particularly to the provision of the new German law of nationality according to which German allegiance may be retained under certain conditions by Germans naturalized abroad, I may say that it is quite true that no alien can lawfully acquire American citizenship through naturalization and at the same time voluntarily retain his original nationality, for the third section of the naturalization act of June 29, 1906, makes the following requirement of every alien applying for naturalization as a citizen of this country:

> He shall, before he is admitted to citizenship, declare an oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

It is obvious that any person who takes the oath just quoted and at the same time voluntarily retains or attempts to retain his original allegiance is guilty of perjury and dishonor. Moreover, the naturalization of such a person would be open to cancellation as fraudulent, under the provision of section 15 of the naturalization law.

The Department of State has not been informed of any case in which a German has attempted to acquire American citizenship through naturalization and at the same time retain his German nationality under the provision of section 25 of the German law of nationality.

In closing, allow me to say that this Government has not receded from the position taken many years ago as to the natural right of men to make a voluntary change of nationality, commonly known as the right of expatriation. Nevertheless, the Department of State deems it proper to continue the practice which it has followed for many years of informing naturalized American citizens of the position in which they will find themselves in case they voluntarily visit their native countries. For the same reason the department deems it proper to warn persons having a dual nationality of the claims which may be made upon them by the other countries concerned. It is believed that the department would not be performing its full duty in this matter if it should fail to give this information.

Very truly yours,

ROBERT LANSING.

LIABILITY FOR MILITARY SERVICE IN ITALY OF ITALIANS IN THIS COUNTRY WHO HAVE OBTAINED OR INTEND TO OBTAIN NATURALIZATION.

The Secretary of State to Messrs. Hubbard & Hubbard, of Wheeling, W. Va.

DEPARTMENT OF STATE,
Washington, August 18, 1915.

GENTLEMEN: The department has received your letter of August 4 and telegram of August 14, in which you inquire as to future liability for military service in Italy of Italians residing in this country. You refer particularly to the cases of employees of the ---------- Company, who have not yet obtained naturalization as citizens of this country, or made declarations of intention to do so, and who have received notice that they should return to Italy for military service. You ask to be informed not only concerning the status and liability of these men under Italian law, but also whether previous experience in similar cases would indicate a likelihood that the Italian Government, from motives of comity, would refrain from holding these men strictly to account if they should fail to respond to the summons for military service and subsequently obtain naturalization as citizens of the United States.

As to the Italian law, your attention is called to the provision of article 11, subsection 2, of the Italian Civil Code, reading as follows:

ART. 11. Citizenship is lost by the following persons:
(1) * * *.
(2) He who has acquired citizenship in a foreign country.

Article 12 of the Civil Code reads as follows:

ART. 12. The loss of citizenship in the cases mentioned in the foregoing article does not work exemption from the obligations of military service nor from the penalties imposed on those who bear arms against their country.

Under the provisions of law just quoted the Italian Government recognizes the naturalization of Italians in this country, but holds them liable for the performance of military service notwithstanding such naturalization. This Government has on several occasions endeavored to induce the Italian Government to conclude a naturalization treaty, under which Italians naturalized in this country would not be held liable for military service in Italy unless such liability had actually accrued prior to their emigration. However, the efforts of the United States in this respect have not been successful, and no treaty of naturalization has been concluded with Italy. Consequently the department is not in a position to assure Italians that their naturalization in this country will enable them to visit their native land without danger of molestation and impressment into the Italian army. The department is unable to state what penalties, by way of fines or confiscation of property, might be imposed on Italians in the United States who fail to perform the military service for which they are held liable under Italian law.

As you have asked especially to be informed concerning the actual practice of the Italian Government in cases of the kind mentioned, I will quote for your information the following statements made by the department in regard to particular cases.

On February 23, 1875, Secretary of State Fish wrote as follows to Mr. Davidson, who had inquired concerning the liability for military service in Italy of one Biagiotte, a naturalized Italian:

> It is possible that a naturalized citizen may have incurred obligations or liabilities in his native country from which, on returning to the country of his nativity, it would be difficult to shield him. There is no naturalization treaty between the United States and Italy. In the absence of one, the municipal law of that country will probably be held to be applicable to all native Italians who, though naturalized abroad, may return within the jurisdiction of the Italian Government. (Mr. Fish, Sec. of State, to Mr. Davidson, Feb. 23, 1875, 106 MS. Dom. Let. 576.)

On March 20, 1878, Mr. F. W. Seward, Assistant Secretary of State, wrote as follows to a Mr. Wilson, who had inquired concerning the status in their native land of naturalized American citizens of Italian origin:

> It is understood the law of Italy makes no exception in favor of its subjects naturalized abroad, in requiring from them service in the army, if found within Italian jurisdiction. As the United States has no naturalization treaty with Italy, the local laws must prevail. (Mr. F. W. Seward, Asst. Sec. of State, to Mr. Wilson, Mar. 20, 1878, 122 MS. Dom. Let. 230.)

On September 5, 1881, Assistant Secretary of State Hitt wrote as follows to Messrs. Donati & Bro.:

> The experience of the department is that natives of Italy returning there, and held to service in the army by Italian law, are required to complete the term of such service. If you are naturalized citizens of the United States, you can procure passports which will protect you so long as you remain outside of the jurisdiction of the Italian Government. Should you, however, venture within such jurisdiction and so be compelled to service in the army, the department can not assure you, in the absence of treaty stipulations, that any remonstrance it might make in your behalf would be successful. (Mr. Hitt, Asst. Sec. of State, to Messrs. Donati & Bro., Sept. 5, 1881, 139 MS. Dom. Let. 57.)

On December 16, 1883, Secretary of State Frelinghuysen, writing to a Mr. De Pierre, said:

The Government of Italy does not recognize foreign naturalization as extinguishing the obligation of its former subjects to military service; nor has that Government any treaty stipulations with the United States which in any way modify the case so far as our citizens are concerned. If, therefore, such native, so naturalized, returns to the jurisdiction to which he was once subject, the American passport, which will be given him on proper application, will insure the earnest attention of our diplomatic and consular officers in case there may be any proper opportunity of service to him. The department can not, however, guarantee freedom from detention, nor protection and release in case charges are prosecuted based on conditions preceding the acknowledgment of obligation to the United States. (Mr. Frelinghuysen, Sec. of State, to Mr. De Pierre, Dec. 16, 1883, 149 MS. Dom. Let. 235.)

On December 19, 1892, Secretary of State Foster, in reply to the inquiry of a Mr. Mayo as to the status of a naturalized American citizen who had come to this country from Italy at the age of 13, said:

Under that article (12 Italian Civil Code) the Italian Government, against the earnest protest of this Government, has claimed the right to hold its former subjects to military service in case of their return to Italy, although they have become citizens of this country. (See Foreign Relations, 1890, p. 536, et seq.) Signor Damiani, the Italian undersecretary of state, states the Italian claim thus: That the duty to serve in the army arises "from the explicit regulations of the Italian law, which do not exempt from military service anyone who has lost, or voluntarily relinquished Italian citizenship." In proper cases this Government will continue to protest against this claim as it has done heretofore, but in the absence of a treaty stipulation with respect thereto the present prospects of a favorable result are not promising.

On November 22, 1895, Secretary of State Olney wrote to Mr. Dondero, a naturalized American citizen of Italian origin, as follows:

Should you voluntarily return to Italy, you would place yourself within the jurisdiction of the Italian law, and while, if you should be held for military service, our embassy at Rome would, on proof of your American citizenship, intervene in your behalf, the success of the intervention can not be foreseen. (Mr. Olney, Sec. of State, to Mr. Dondero, Nov. 22, 1895, 206 MS. Dom. Let. 156.)

The above quotations from the correspondence of the Department of State, and others, may be found in Moore's Digest of International Law, Volume III, pages 608, et seq.

I regret to say that the department has received no assurance that the practice of the Italian authorities with relation to cases of Italians who return to Italy after obtaining naturalization in other countries has been changed in recent years.

I inclose herewith several copies of the department's printed circulars entitled "Notice to American Citizens Formerly Subjects of Italy Who Contemplate Returning to that County,"[1] and "Liability for Military Service in Foreign Countries of Persons Residing in the United States."[2]

I am, etc.,

ROBERT LANSING.

[1] Supra, p. 69.

[2] Supra, p. 62.

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